TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1941

No. 229

ELIZABETH WRIGHT AND CHARLES C. WRIGHT,
PETITIONERS,

vs.

GUSTA LOGAN, HARRIET LOGAN SAWYER AND
EXIA LOGAN REESE

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR CERTIORARI FILED JULY 1, 1941.

CERTIORARI GRANTED OCTOBER 13, 1941.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1941.

No.

IN THE MATTER OF ELIZABETH WRIGHT AND CHARLES C. WRIGHT, DEBTORS.

ELIZABETH WRIGHT AND CHARLES C. WRIGHT,
Petitioners,

vs.

GUSTA LOGAN, HARRIETT LOGAN SAWYER AND EXIA LOGAN REESE,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

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TRANSCRIPT OF RECORD

IN THE

United States Circuit Court of Appeals
For the Seventh Circuit

No. 7368

IN THE MATTER OF ELIZABETH WRIGHT AND CHARLES C. WRIGHT, DEBTORS.

ELIZABETH WRIGHT AND CHARLES C. WRIGHT,
Appellants,

vs.

GUSTA LOGAN, HARRIETT LOGAN SAWYER AND EXIA LOGAN REESE,
Appellees.

Appeal from the District Court of the United States for the Eastern District of Illinois.

TRANSCRIPT OF RECORD FILED JUNE 20, 1940.
SUPPLEMENTAL TRANSCRIPT OF RECORD FILED SEPTEMBER 4, 1940.
PRINTED RECORD.

IN THE

United States Circuit Court of Appeals
For the Seventh Circuit

No. 7368

IN THE MATTER OF ELIZABETH WRIGHT AND CHARLES C. WRIGHT, DEBTORS.

ELIZABETH WRIGHT AND CHARLES C. WRIGHT,
Appellants,

vs.

GUSTA LOGAN, HARRIETT LOGAN SAWYER AND EXIA LOGAN REESE,
Appellees.

Appeal from the District Court of the United States for the Eastern District of Illinois, ... Division.

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1 Pleas in the District Court of the United States Placi
within and for the Eastern District of Illinois, at a regular term thereof, begun and held in the United States Court Room, in the City of Danville, in said District, before the Honorable Walter C. Lindley, Judge of said Court, on the first Monday of March, in the year of our Lord One Thousand Nine Hundred and Forty and of the independence of the United States of America, the one hundred and sixty-fourth year.

D. H. Reed,
Clerk.

In the Matter of
Elizabeth Wright and Charles C. Wright,
Debtors.
In Bankruptcy
No. 2414-D.

1 ENTRIES ON BANKRUPTCY DOCKET.

5-3-34. File Debtor's Petition & Schedules, 10:30 A. M.

5-3-34. Issue Order of Reference to Referee with instructions to proceed in conformity with Bankruptcy Act as amended without adjudication, under Section 74.

5-3-34. Enter Restraining Order.

8-18-34. File Certificate of Review.

8-22-34. Enter Hearing on Cert. of Review of Referee's Report—Taken under advisement to be decided by 8-30-34.

8-30-34. Enter Order Approving & Confirming Rept. of Referee—Exception allowed all petitioners who move in Arrest of Judgment—Motion in Arrest of Judgment denied—Exception allowed—Petitioners allowed 60 days to file Cert. of Evidence or Pet. for Appeal & Assignment of Errors—Bond fixed at $250.00—Enter Order allowing Petitioners leave to use Original Transcript in this case.

Sept. 13. File Petition for Appeal duly approved (pd) $5.00.

Sept. 13. File Appeal Bond for Costs duly approved 9-30-34 Rep. $5.00.

Sept. 13. File Assignment of Errors.

Sept. 20. File Praecipe for Record on Appeal.

Oct. 23. File Citation duly served.

Oct. 26. Mail to U. S. C. C. of Appeals, Transcript of Record—Cost $3.00 3.00.

3-29-35. File Mandate Affirming Order or Decree of District Court 12-21-34 Rep. 3.00.

4-5-35. File Petition asking Leave to File under Sec. 75.

4-5-35. Enter Order Setting Aside Order of Reference to Referee & Order to file Amended Petition.

4-5-35. File Petitions & Schedules under Sec. 75.

4-5-35. Issue Order of Reference to Conciliation Commissioner.

4-27-35. File Referee's Complete Record.

4-27-35. File Referee's Final Report—File Order Approving Referee's Final Report.

5-17-35. File Report of Conciliation Commissioner asking for hearing.

6-3-35. Hearing set for Tues. June 11, 1935.

6-11-35. Enter heading—On Motion of Dismissal of Proceedings by McLain, Paris, Atty. for Logan—Order dissolving injunction allowed—Appeal allowed—Exception allowed (Bond fixed at $200.00).

7-31-35. File Receipt of F. C. Van Seller, Attorney for William S. Logan, Appellee, sum of $20.00—Dated July 12, 1935.

Sept. 28-35. File Report of S. I. Headley, Conciliation Commissioner & Complete Record.

9-30-35. Enter 10 day show cause Order to Amend or be Dismissed.

9-30-35. This Order suggested by Chief Deputy, V. D. Rodgers.

Oct. 9-35. File Debtor's Amended Petition.

Oct. 14-35. Enter Order Reinstating Cause under Section 75 & for Reference to C. C. to consider Composition or Extension Agreement—Copy to C. C. & Debtor.

Oct. 14-35. Issue Order of Reference to Harvey Gross, C. C.

Oct. 15-35. Mailed C. C. Filed to Harvey Gross, C. C.

Nov. 9-35. File Petition of Debtor for Reference to New Conciliation Commissioner.

Nov. 9-35. Enter Order allowing above Petition & Cause referred to James A. Solon, C. C. of Champaign County.

Nov. 12-35. Complete Conciliation Commissioner File Received from Harvey Gross.

2 1935

Nov. 12. Issue Order of Reference to James A. Solon, Champaign County, Conciliation Commissioner by Order of Court—Filed Mailed.

Nov. 12. File Harvey Gross Report as Conciliation Commissioner.

1936

Feb. 29. File Petition of Debtor for Restraining Order & Notice of Hearing to be had Saturday, March 7th before Judge Lindley at 9 A. M.

1939

Jan. 4. File Petition of W. S. Logan Heirs to surrender possession of premises described therein & Conciliation Commissioner, James Solon, to make Report.

1-4-39. Enter Rule upon Defendants to Answer within 10 days to above petition—Notices mailed.

1-14-39. File Debtor's Motion to Dismiss the petition of Jan. 4, 39, filed by W. S. Logan Heirs to surrender possession of real estate.

1-14-39. Court Orders Briefs to be filed in accordance with local Ruling—Attorneys notified and copy of Ruling.

1-17-39. File Brief of Authorities in support of Motion to Dismiss Petition by Debtor.

1-21-39. File Brief of Authorities in Reply to Brief filed herein by attorneys for Debtor in support of their motion to Dismiss petition of Gusta Logan, Harriet Logan Sawyer & Exia Logan Reese—copy mailed to Walter Dysert, Atty.

1-26-39. Enter Order of Court extending Time two (2) weeks (Feb. 17th) in which Debtor may file Reply Briefs.

2-17-39. Enter Order upon Motion to Dismiss Petition of Gusta Logan, et al. for Relief in the alternative—same Denied—Thereupon, upon motion of either party or the Court, this cause will be set for hearing that Court may determine what equity should be done.

2-17-39. Mailed copies to Walter Dysert—E. Wright—Jones, Grant & Sebat & James Solon.

2-27-39. File Debtor's Answer to above Decision of Court & Petition of Mortgagees—Mailed copy to Jones, Grant & Sebat, Attys. for Mortgagor.

3-9-39. Hearing—Appearances: Walter Dysert and H. J. Hasch, Attys. for Debtor. Paul Jones, Atty. for Gusta Logan, et al. Enter hearing to determine equity to be done—Statements of respective counsel—Evidence by petitioners—oral and documentary evidence by debtor—Court directs counsel to submit to the Court any agreed statement as to amount due at this time including deficiency judgment—Cause taken under advisement.

3-11-39. File Stipulation signed by Elizabeth & Charles C. Wright and Augusta Logan—Harriet Logan Sawyer & Exia Logan Reese, showing indebtedness of $5,169.50 plus Master in Chancery deficiency of $300.00 and interest thereon from 2-3-33 to date of $91.22.

March 11. Enter Order upon Petition of W. S. Logan, et al. land worth $5000.00 total indebtedness, $5560.72. Accordingly jurisdiction over deed held by petitioners is retained by Court; debtors to remain in possession & custody of property upon condition they pay reasonable rental for use of land during 1938 farming season at once—This

matter continued for 120 days from this date that debtor shall have opportunity to redeem from mortgage sale & to make any & all possible adjustment & composition with their creditors. In absence of their inability to complete same within 120 days, the Court will at end of that time, give full force and effect to the deed held by petitioners. The Conciliation Commissioner will act in accord with this order & copy mailed to Con. Com. James Solon, Champaign, Ill. to Walter Dysert and to Jones, Grant & Sebat & to Debtor.

5-15-39. Enter Order of Court granting Leave to Elizabeth Wright, Debtor to withdraw copy of Transcript of Record #5378 dated Nov. 8th, 1934 in U. S. Circuit Court of Appeals as heretofore offered as evidence.

7-11-39. Enter Order extending time for a period of 30 days from this date—upon Motion of Walter Dysert.

8-11-39. Enter Order of Court extending time for a period of Sixty (60) days from this date for debtor to redeem from mortgage sale & make all possible adjustments & composition.

Jan. 6-40. Entered Order of Court—Extension & Continuance came to an end about 6 months ago & upon Motion of Creditors, Petition of Gusta Logan, et al., as filed 1-4-39 for debtor to surrender premises is ordered set for final hearing, Jan. 12, 1940 at 9:30 A. M. Conciliator ordered to make & file Current Report to date—copies mailed by Miss Jones.

Jan. 12-40. File Report of Con. Commissioner, James Solon and asking for an additional period of time to accomplish the plan and reporting $450.00 on hand.

Jan. 12-40. Enter Hearing upon Petition of Gusta Logan & Answer—Statements of Counsel—Evidence heard—Enter Order of Continuance to Mar. 1, 1940 etc. to give possession of premises or to pay to Clerk for distribution among petitioners, $5560.72, plus interest at 5% from 3-11-39 to date of payment as Drawn.

Mch. 2-40. Case set for hearing, Monday Mch. 4th at 10 A. M.

Mch. 2-40. File Amended Debtor's Petition in proceedings under Sec. 75 Sub. Sec. S.

Mch. 4-40. Hearing before Court in matter of possession by Mortgagor and allowing Debtor to amend Petition for Adjudication under 75 S—Appearances: Walter V. Dysert for Debtor & Paul Jones for Mortgagee—Evidence heard and matter taken under advisement.

Mch. 5. Enter Memo under Debtor's Amended Petition —Amended petition tendered 3-2-40, hereby denied—any and all prohibition upon intervening petitioners from exercising their rights under deed heretofore obtained by them, be & same hereby removed; Deed heretofore issued by Master in Chancery be given full force & effect & that possession of premises described in original petition be surrendered immediately to said intervening petitioners, Gusta Logan, Harriet Logan Sawyer & Exia Logan Reese by Debtors as provided in Jan. 12, 1940 order. It is further ordered that Debtor proceedings herein are hereby dismissed.

3-5-40. Mailed copies of Memo to Walter Dysert—Paul Jones, James A. Solon Debtor, Elizabeth Wright and to Attorney General.

3-27-40. File Notice & Petition for Appeal. $5.00.

3-27-40. File Assignment of Errors. Reported 3-31-40. 5.00.

3-27-40. File Cost Bond ($250.00) duly approved.

3-27-40. File Praecipe for Record on Appeal.

3 1940

3-27-40. File Certificate of Clerk of Mailing Notice .50c.

3-28-40. File Notice and Receipt by John Sebat of Notice & Petition for Appeal and Designation, etc.

4-27-40. Enter Order Extending Time to Prepare & file Record on Appeal to U. S. C. C. A. to June 20, 1940 with consent of attys. for appellees.

6-14-30. Appeal Record 96 folios @ 5c $4.80 20 folios @ 45c—$9.00 and Cert. 50c Total $14.30.

7-1-40. File Supplemental Designation of Contents of Record on Appeal.

7-1-40. File Proof of Service of Supplemental Designation of Contents of Record. Report 6-30-40 14.30.

4 ORDER OF APPROVAL AND RESTRAINING ORDER.

Entered May 3, 1934.

Entered May 3, 1934.

Upon presentation to me of the joint petition of Elizabeth Wright and Charles C. Wright, for an extension of time within which to pay their debts, and upon examination of the petition and the schedules filed in support of the same, I find they sufficiently conform to all the legal requirements to the amendment to the Bankruptcy Act, and are filed in good faith, and I hereby approve the same, and each and all of the creditors, their agents, attorneys, and all persons acting by, through, under, or on their behalf, are hereby restrained and enjoined from taking any further steps or proceedings of any kind or character whatsoever toward enforcing any obligations against said debtors, until the further order of the Court.

Dated this 3rd day of May, A. D. 1934.

Walter C. Lindley,
Judge.

5 ORDER GRANTING LEAVE TO FILE PETITION UNDER SECTION 75 AND ORDER OF APPROVAL.

Entered Apr. 5, 1935.

Entered April 5, 1935.

Upon presentation and consideration of the duly verified petition of Elizabeth Wright and Charles C. Wright, petitioning debtors in the above entitled cause, which is on file in the office of the clerk of this court, to set aside the order of reference heretofore made in the above entitled cause with permission to these petitioning debtors to file amended petition and schedules under Section 75 of the Bankruptcy Act instead of under Section 74 of said act, and to refer same when filed to the Conciliation Commissioner.

It Is Hereby Ordered that the order of reference of said cause to Walter J. Grant as Referee in Bankruptcy of this court, be, and the same is hereby set aside, and I find that the amended petitions and schedules filed by said petitioning debtors under Section 75 of the Bankruptcy Act, praying that they be afforded an opportunity to effect a compo-

sition or an extension of time to pay their debts, in accordance with the provision of said act, are in proper form and filed in good faith, and said petitions and schedules are properly filed under said Section.

(Signed) Fred L. Wham,
Judge of the District Court of the United States, for the Eastern District of Illinois.

Filed Apr. 5, 1935. 6

DEBTOR'S PETITION

In Proceedings Under Section 75 of the Bankruptcy Act.

Filed—April 5, 1935.

To the Honorable Walter C. Lindley, Judge of United States District Court for the Eastern District of Illinois.

The Petition of (Full Name—No Initials) Elizabeth Wright and Charles C. Wright of Paris, in the County of Edgar and District and State of Illinois (Occupation, Trade, or Business of) Farmers.

Respectfully Represents: That they are personally bona-fide engaged primarily in farming operations (or that the principal part of their income is derived from farming operations) as follows: They actually operate and personally conduct a grain, stock and dairy farm, in Edgar County, Illinois, and actually reside on the same as their homestead; that such farming operations occur in the county (or counties) of Edgar, within said judicial district; that they are insolvent (or unable to meet their debts as they mature); and that they desire to affect a composition or extension of time pay their debts under section 75 of the Bankruptcy Act.

That the schedule hereto annexed, marked "A," and verified by your petitioner's oath, contains a full and true statement of all their debts, and (so far as it is possible to ascertain) the names and places of residence of their creditors, and such further statements concerning said debts as are required by the provisions of said act.

That the schedule hereto annexed, marked "B," and verified by your petitioner's oath, contains an accurate inventory of all their property, both real and personal, and

such further statements concerning said property as are required by the provisions of said act.

Wherefore Your Petitioner Prays, That this petition may be approved by the Court and proceedings had in accordance with the provisions of said section.

Elizabeth Wright,
Charles C. Wright,
Petitioner.

Graham & Dysert,
908 1st Natl. Bank Bldg.,
Danville, Illinois,
Attorney for Petitioner.
(Business Address)

Duly Verified.

7 Schedule A-1

Statement of all Creditors who are to be paid in Full, or to Whom Priority is Secured by Law.

	Amount $ Cts.
1—Taxes and debts due and owing to the United States:	
None.	
2—Taxes due and owing to the State of Illinois or to any county, district of municipality thereof:	
R. Est. Taxes due, 1933, Edgar County, Ills...	122.46
R. Est. Taxes due, 1934, Edgar County, Ills...	59.27
R. Est. Taxes due, 1935, Edgar County, Ills...	70.15
Total,	251.88

8 Schedule A-2.

Creditors Holding Securities.

			Amount of Debts $ Cts.
William S. Logan, Paris, Illinois.—Owner and holder of a Certificate of Sale on his mortgage foreclosure, on E½ SE¼ SE¼ Sec. 20, and N½ SW¼ SW¼ Sec. 21, Twp. 14 N. R. 12 West, containing 40 acres, in Paris Township, Edgar County, Illinois. On which debtors owe the following:			
Mortgage	$3100.00		
Mortgage Int. Coupon	153.50		
C. C. Wright Note	214.46		
Lumber Account	18.91		
Taxes, 1932	42.90		
	$3,529.77		
		$3,529.77	
Less following credits:			
Cash rent for 1933 paid W. S. Logan	57.00		
Cash rent for 1933 paid W. S. Logan	93.00		
Check of Everett Andrews	150.00		
	$300.00		
		$ 300.00	
Balance due, plus interest		$3,229.77	3,229.77

R. E. Ragains, Paris, Illinois.—Judgment in Circuit Court, Paris, Illinois, dated May 23, 1927. Amount due $1,764.00, less Credits $280.93.....	1,483.07
Alan J. Parrish, Paris, Illinois.—Judgment in Circuit Court, Paris, Illinois, dated June 21, 1932. Amount due $785.40, less credits $3.60.....	781.80
Walter Hoenig, doing business as Jones Dry Goods Co., Paris, Illinois.—Judgment in Circuit Court, Paris, Illinois, dated June 21, 1932. Amount due $663.96, less credits $171.00.....	492.96
Helen L. Wright, Paris, Illinois.—Chattel Mortgage on Personal Property.....	400.00
William C. Wilson, Robinson, Illinois, deficiency on Foreclosure sale approved Nov. 12, 1929, on Certificate of Sale on his Foreclosure, on all that part of the W½ NE¼ of Sec. 32, Twp. 13 N. R. 11 West, being 40 acres more or less.....	1,128.50
William S. Logan, Paris, Illinois, deficiency stated on the William S. Logan foreclosure.....	300.00
Total,	$7,816.10

9 **Schedule B-1.**

Real Estate.

	Estimated Value $ Cts.
1. The E½ SE¼ SE¼ of Section 20, Township 14 North, Range 12, West of the 2nd P. M., containing 20 acres more or less, in Paris Township, Edgar County, Illinois	5,000.00
2. The N½ SW¼ NW¼ of Section 21, Township 14 North, Range 12 West of the 2nd P. M., containing 20 acres more or less, in Paris Township, Edgar County, Illinois	1,000.00
(Tracts 1 and 2 being subject to Certificate of Sale in favor of William S. Logan, on his mortgage foreclosure on said premises, on which the debtors owe a balance of $3,229.77.)	
3. A right of way 18 feet wide across a strip of land lying along the West side of the W½ SW¼ NW¼ of said Sec. 21; said strip of land being the West 18 feet of land given to Everett Andrews by last will and testament of Francis M. Andrews, deceased	50.00
4. An estate for life in Elizabeth Wright, petitioner, in the E½ SE¼ of Sec. 20, Township 14 North, Range 12 West of the 2nd P. M. Also, the South 10 acres of the SE¼ NE¼ of Sec. 20, Township 14 North, Range 12 West, except Tract 1 of 20 acres above described, being approximately 70 acres more or less, in Paris Township, Edgar County, Illinois	600.00
Total,	6,650.00

10 Schedule B-2.

Personal Property.

	$ Cts.
A. Cash on hand: None.	
D. Household goods and furniture, household stores, wearing apparel, and ornaments of the person, viz.: 1 car robe, 1 pr. quilting frames; 3 mattresses; 3 bed springs; 2 pr. crutches; 1 storage trunk; 1 storage box; 1 fern stand and plant; 4 house plants; 2 stools; 2 bedroom rockers; 2 stand tables; 3 strips carpet; 1 lot curtain fixtures; 1 lot table linen and towels; 1 lot sheets and pillow slips; 1 walnut bedroom suite; 1 lot paint; 1 carpet sweeper and brush; 1 conservo; 1 lot building tile; 1 pump and pump jack; 1 lot baskets; 1 refrigerator; 1 kitchen cabinet; 1 kitchen table; 2 kitchen chairs; 1 dining table; 6 dining chairs; 3 iron beds; 1 office desk; 3 rockers; 2 dressers; 2 heating stoves; 1 lot curtains; 1 lot blinds; 2 large rugs; 1 small rug; 1 sewing machine; 1 lot bedding; 1 lot dishes; 1 trunk; 1 porch swing; 1 porch rocker; 1 day bed; 1 bookcase; 1 lot silverware; 1 linoleum; 1 watch; 1 ring; 1 brooch; 200 vols. school books; 12 pictures; 1 suitcase; 1 bag; 1 lantern; 1 Coleman lamp; screen doors and windows; 1 lot wearing apparel	194.00
F. Horses, cows, sheep and other animals, (with number of each) viz.: 15 cows; 1 horse; 2 mules; 6 sows; 9 pigs; 38 shoats; 3 heifers; 2 calves	1,729.00
G. Carriages and other vehicles, viz.: 1 Willys 1931 ½ Ton Commercial Truck.....	200.00

H. Farming stock and implements of husbandry, viz.:

1 International Tractor and Disc; 1 John Deere Plow; 1 Weber Wagon, 1 Schuttler Wagon, 1 Birdsell Wagon; 2 Wagons; 2 Tower Surf. Cultivators; 2 Shovel Cultivators; 1 John Deere Corn Planter; 120 rods wire; 2 Water Tanks; 1 Tank Heater; 1 Mower; 1 Corn Sheller; 1 Harrow; 1 Rotary Hoe; 1 International Hay Baler; 1 Oats Seeder; 1 Manure Spreader; 1 Steam Boiler and pipes; 1 Bottle Washer, double tub; 1 Steam Turbine; 1 Milk Cooler; 12 Milk Crates; 500 milk Bottles; 4 milk buckets; 1 Row Wheat Drill; 1½H. Engine; 2 Hog Houses; 2 Ladders; 1 lot jars; 1 Churn; 1 Brooder Stove; 1 lot milk bottle Caps; 1 Tractor Gang Plow; 8 Sets Harness; 1 lot Posts; 2 Hog Troughs; 1 Garden low; 1 Walking Plow; 1 Sulkey Plow; 40 old Chickens; 6 Oil Drums; 1 lot wood; 1 lot lumber; 3 scoop end gates; 1 lime spreader; 35 acres plowed ground; 1 ton coal; 1 lot cobs; ½ of 20 acres growing wheat; 100 bushels oats; 10 acres Alfalfa; 300 bushels Corn; 8 Tons Hay; 5 gals. Acquedam 1,149.00

Total, 3,272.00

11 **Schedule B-3.**

Choses in Action.

	$ Cts.
A. Debts due petitioner on open account:	
Mrs. Mary Lauher, Paris, Ills.	5.70
Ralph Reynolds, Paris, Ills.	5.70
Mrs. Larsen, Paris, Ills.	2.00
Ralph Davis, Paris, Ills.	28.00
Harry Wright, Paris, Ills.	5.75
Carl Vidito, Paris, Ills.	9.95
Marion Link, Paris, Ills.	35.30
Elwood Phillips, Paris, Ills.	7.90
Mr. McEvoy, Unknown	12.00
Wm. Chaney, Paris, Ills.	3.50
George Misbach, Paris, Ills.	7.50
Claude Davidson, Paris, Ills.	3.00
Joe Stephens, Paris, Ills.	41.46
Wm. Dowling, Paris, Ills.	5.00
Bob Griffin, Paris, Ills.	32.00
Robert Chalimese, Paris, Ills.	33.90
Mrs. Kesmodel, Paris, Ills.	7.50
A. E. Anderson, Paris, Ills.	30.00
Edgar Weaver, Paris, Ills., To be paid by labor on Bldgs.	50.68
Dr. Collier, Atwood, Ills.	40.00
Wm. McEvoy, Paris, Ills., To be paid by painting Bldgs.	27.38
Clarence Sweitzer, Paris, Ills., Rent	75.00
John Griffin, Paris, Ills.	38.88
Harry Smith, Paris, Ill.	15.38
B. Stock in incorporated companies, interest in joint stock companies, and negotiable bonds:	
Insurance Rebates paid to W. S. Logan or Jasper Humerickhouse, Receiver, $64.81 and $10.00	74.81
Edgar Weaver, Carpenter work done on buildings and paid by Wrights.—Previously O.K.'d by W. S. Logan	40.85
Wm. McEvoy, Painting building,—paid by Wrights,—Previously O.K.'d by W. S. Logan	57.60
Total,	**696.94**

12 **Schedule B-5.**

	Valuation $ Cts.
Property claimed to be exempted by State laws; its valuation; whether real or personal; its description and present use; and references given to the statute of the State creating the exemption. (See State Law):	
The petitioner, Charles Wright, states that he is the head of a family, consisting of Elizabeth Wright, wife, Helen Wright, daughter, and Alden, Crawford and Robert Wright, sons, and resides with the same in the Town of Paris, Edgar County and State of Illinois, and that the following personal property is hereby claimed to be exempt under and by virtue of an act of the General Assembly of the State of Illinois, entitled, "An Act to exempt personal property from attachment and sale on execution, and from distress for rent", approved May 24, 1877, in force July 1, 1877, and all amendments thereto:	
Household Goods and Farming Equipment, and Live Stock, subject to Chattel Mortgage	400.00
The following Real Estate is also claimed to be exempt under and by virtue of an act of the General Assembly of the State of Illinois, entitled: "An Act to amend an Act, entitled, 'An Act to exempt the Homestead from forced sale, and to provide for setting off the same, etc.,' " approved April 30, 1873, in force July 1, 1873, and amendments thereto. Used as a residence of petitioners and family.	
The E½ of the SE¼ of the SE¼ of Section 20, Township 14 North, Range 12 West of the 2nd P. M., containing 20 acres more or less, in Paris Township, Edgar County, Illinois	1,000.00
Total,	**1,400.00**

13 **Summary of Debts and Assets.**
(From the Statement of the Bankrupt in Schedules A and B.)

Schedule A—1 (2) Taxes due States, Counties, Districts and Municipalities	251.88
Schedule A—2 Secured Claims	7,816.10
Schedule A—3 Unsecured Claims	1,693.67
Schedule A. Total	9,761.65
Schedule B—1 Real Estate	6,650.00
Schedule B—2-d Household Goods, etc.	194.00
Schedule B—2-f Horses, Cows and other Animals.	1,729.00
Schedule B—2-g Carriages and other Vehicles	200.00
Schedule B—2-h Farming Stock and Implements	1,149.00
Schedule B—3-a Debts due on Open Accounts	696.94
Schedule B—5 Property claimed to be exempted: $1,400.00	
Schedule B, Total	10,618.94

14 **ORDER DISSOLVING INJUNCTION.**

Entered June 11, 1935.

Entered June 11, 1935.

Present: Honorable Walter C. Lindley, Judge.

Now on this 11th day of June, A. D. 1935, comes on for hearing Motion for a Dismissal of Proceedings, and the Court after hearing the evidence herein and being fully advised in the premises, Orders that said Injunction heretofore entered herein be, and the same is hereby Dissolved, to which ruling of the Court an exception is allowed. Debtor given Thirty Days in which to appeal, upon filing bond for costs in the sum of Two Hundred ($200.00) Dollars.

Filed Sept. 28, 1935. 15 CONCILIATION COMMISSIONER'S REPORT.

Filed September 28, 1935.

Comes now, S. I. Headley, Conciliation Commissioner of Edgar County, Illinois and reports:

1. That petition was duly filed, notices mailed to all listed creditors and publication duly made in the Paris Daily Beacon News, more than ten days prior to date of First Creditor's Meeting.

2. Meeting held May 16 at 2 O'clock in the afternoon as advertised and nine Proofs of Claim were filed, which is less than half of those listed.

3. Petitioners were present with their attorney and Frank C. VanSellar was present, representing creditor, W. S. Logan as well as three other smaller creditors. One other creditor was present in person.

4. A motion in writing was presented by Attorney Van Sellar for W. S. Logan, Creditor, asking that said proceeding be dismissed. Said motion is herewith referred to the U. S. District Court for consideration and instruction.

5. Case recessed to to May 23, 1935 awaiting instructions in regard to motion of W. S. Logan and to give additional time for filing and proving of claims.

Respectfully submitted,
S. I. Headley,
Conciliation Commissioner.

Dated at Paris, Illinois,
May 16, 1935.

Filed Sept. 28, 1935. 16 COMMISSIONER'S FINAL REPORT.

Filed September 28, 1935.

Supplementing Report of April 16, 1935—no agreement reached by debtors and creditors. Case pending here in our local court to determine the right of debtors to redeem from W. S. Logan, creditor.

We are herewith returning papers to you as I am advised there is a new conciliation commissioner for this county. Mrs. Wright claims she was not proceeding under the Frazier-Lemke Act and therefore was not affected

by its defeat as unconstitutional. I am closing this from my docket and returning to you all schedules and claims filed.

Respectfully submitted,
(Signed) S. I. Headley,
Conciliation Commissioner.

17 ORDER OF THE COURT UPON REPORT OF CONCILIATION COMMISSIONER. CONSENT TO AMEND PETITION UNDER SECTION 75—ORDER TO SHOW CAUSE. Entered Sept. 30, 1935.

Filed September 30, 1935.

Upon the filing of the Report of the Conciliation Commissioner,

It Is Ordered By The Court that Elizabeth Wright and Charles C. Wright, Debtors herein have leave to amend their petition filed herein, to include a prayer for adjudication under the new sub-section "S" of Section 75 of the Bankruptcy Act as amended within Ten Days of this date; that in the absence of such amendment, the said debtor Show Cause herein on or before said date why the original petition herein should not be dismissed at the cost of the petitioner.

Entered this 30th day of September, A. D. 1935.
(Signed) Walter C. Lindley,
Judge, U. S. District Court.

18 AMENDED DEBTORS PETITION. Filed Oct. 9, 1935.

Filed October 9, 1935.

To the Honorable Walter C. Lindley, Judge of the United States District Court for the Eastern District of Illinois:

The above named debtors respectfully show unto your Honor, that on or about the 3d day of May, 1934, they filed in this court their petition under Section 74 of the Bankruptcy Act, and later, on the 5th day of April, 1935, by leave of court first had and obtained, transferred their proceedings from said Section 14 to Section 75 of the

Bankruptcy Act, and thereupon an order of reference was made of said cause to the Conciliation Commissioner, Stephen I. Headley, at Paris, Edgar County, Illinois; that certain creditors of your debtors presented their claims for filing before said Commissioner, but the claims of such creditors were never allowed and no time was fixed for filing objections to such claims as were presented for filing, and consequently no duly qualified first meeting of creditors was held to completion and no creditors voted at said meeting, and said meeting was adjourned, and at the adjourned meeting no claims were allowed and no opportunity was given for objections to the claims that had been presented for filing, and no creditors were qualified at said meeting to vote on any proposition and no vote was taken at said meeting, and it was adjourned, and there never has been any meeting of the debtors creditors before said commissioner to obtain the acceptance of the majority in number and amount of all creditors whose claims were affected by any composition or extension
19 proposal, and said proceeding has not yet reached that stage where any proposal has been submitted.

Your petitioners further show that William S. Logan was and is one of their secured creditors and when the original petition under Section 74, and the transfer to Section 75, were filed, he held a certificate of sale issued by the Master in Chancery of Edgar County in a decree of foreclosure, which certificate was dated February 3, 1933, but since said transfer of said cause was filed said creditor has procured and recorded a deed from said Master on said Certificate of Sale to the Forty (40) acres of land owned and scheduled by the debtors.

That before and after the twelve months period of redemption provided by Illinois Statute to debtors from foreclosure, mortgage sales expired, said creditor at different times and places, at his office in Paris, Illinois, and elsewhere, verbally agreed with your petitioners that they could redeem said farm any time they could get the money to pay him what they owed him; that they could redeem the property from him either before or after the twelve months period of redemption expired after said sale and even after that time he would deed said property to their daughter or anyone else they suggested; that in case of his death before all this was accomplished he would instruct his son Ben, and his secretary, that the land was

to be deeded back to petitioners even though the fifteen months allowed creditors to redeem had expired; that they would have no trouble in redeeming the farm whenever they paid him the money and that his word was as good as his bond, and while a witness on cross-examination before Referee in Bankruptcy in a former proceeding, he volunteered the substance of the above statements, and then, thereafter, refused to accept what money was owing him, and refused to sign the papers necessary to enable petitioners to get money from the Federal Lank Bank at St. Louis, Missouri, which bank he knew had signed a commitment of more than enough to pay him, and that by virtue of said agreement a contractual relation was thereby created between said secured creditor and these petitioners and their right of redemption from said foreclosure sale and to a deed from said creditor on payment of the amount due him still remains in them and they have never been deprived of their right to said deed or to their right of redemption by virtue of said decree of foreclosure, the Master's sale, his certificate of sale, or the Master's deed issued thereon.

Your petitioners hereby amend all of the formed petitions heretofore filed by them in said cause and to hereby substitute for the provisions of said petition as may be in conflict with this amendment, the contends of the present Bankruptcy Act as amended, under which they pray for all relief and rights afforded them under any and all of the Bankruptcy Laws of the United States now or heretofore in force, and they pray that the court will give full force and effect to the verbal agreement of said secured creditor, William S. Logan, and that this court will grant to your petitioners all of the relief to which said verbal agreement and laws entitled them to; that all proceedings may be had in regard to them and their property in conformity with said Bankruptcy Act as amended; that they have a right to avail themselves of a composition with their creditors or an extension of time.

Elizabeth Wright,
Charles C. Wright,
Petitioners.

Entered Oct. 14, 1935. 21 ORDER OF APPROVAL.

Entered October 14th, 1935.

Upon presentation and consideration of the duly verified petition of Elizabeth Wright and Charles C. Wright, petitioning debtors in the above entitled cause, which is on file in the office of the clerk of this court, to set aside the order of reference heretofore made in the above entitled cause with permission to these petitioning debtors to file amended petition and schedules under Section 75 of the Bankruptcy Act in stead of under Section 74 of said act, and to refer same when filed to the Conciliation Commissioner.

It Is Hereby Ordered that the Order of Reference of said cause to Walter J. Grant as Referee in Bankruptcy of this court, be and the same is hereby set aside, and I find that the Amended Petitions and Schedules filed by said petitioning debtors under Section 75 of the Bankruptcy Act, praying that they be afforded an opportunity to effect a composition or an extension of time to pay their debts, in accordance with the provision of said act, are in proper form and filed in good faith, and said petitions and schedules are properly filed under said Section.

(Signed) Fred L. Wham,
Judge of the District Court of the United States, for the Eastern District of Illinois.

Entered Oct. 14, 1935. 22 ORDER REINSTATING CAUSE UNDER SECTION 75 AND FOR REFERENCE TO CONCILIATION COMMISSIONER TO CONSIDER COMPOSITION OR EXTENSION AGREEMENT.

Entered October 14, 1935.

Now on this 14th day of October, A. D. 1935, upon motion of Elizabeth Wright and Charles C. Wright, debtors herein, it appearing to the court that said debtors have heretofore filed herein their petition under Section 75 of the Bankruptcy Law as Amended. And it further appearing to the Court said debtors have not had sufficient opportunity to submit to their creditors a proposal

of composition or extension, as provided under said Section 75, and that said cause should be reinstated and said debtors be given leave to avail themselves of a composition or extension agreement with their creditors, if such can be obtained:

Now, therefore, It Is Hereby Ordered By The Court, that this cause be and the same is hereby reinstated, and that said proceeding be referred to the duly qualified conciliation Commissioner of Edgar County, for such proceedings as provided under subsection (g) of Section 75 as amended.

(Signed) Fred L. Wham,
Judge, U. S. District Court.

23 ORDER OF RE-REFERENCE.

Entered Oct. 14, 1935.

Entered October 14, 1935.

Whereas the petition of Elizabeth Wright and Charles C. Wright, filed in this Court on the 5th day of April, A. D. 1935, praying that he be afforded an opportunity to effect a composition or extension of time to pay his debts under section 75 of the Bankruptcy Act, having been duly approved by order of this Court on the 5th day of April, A. D. 1935, and their Amended Petition filed on Oct. 9th, 1935, it is thereupon, ordered, that said matter be re-referred to Harvey Gross of Paris, Edgar County, one of the conciliation commissioners of this Court, to take such further proceedings therein as are required by said section, and if application for confirmation of proposal for composition or extension under said section 75 be duly filed with the conciliation commissioner, to hold, after due notice to creditors, a final creditors' meeting to consider said application for confirmation and to report his findings and conclusions relating to the confirmation or denial of such application to this Court, accompanied by all those papers, instruments, accounts and recommendations specified in Section 6 of General Order L. as promulgated by the Supreme Court of the United States; and that said Elizabeth Wright and Charles C. Wright, debtor, shall attend before said conciliation commissioner, instanter, and shall henceforth submit to such orders as may be made by said conciliation commissioner or by this

Court relating to the proceedings under said section; and shall make and file with the conciliation commissioner a full and complete inventory of all his property within ten days from the date of this order.

Witness the Honorable Fred L. Wham, Judge of said Court, and the seal thereof at Danville, Illinois, in said District on the 14th day of October, A. D. 1935.

D. H. Reed,
(Seal) *Clerk.*

Endorsed: In the District Court of the United States * * (Caption—2414-D) * * Order of Reference to Conciliation Commissioner Issued October 14th, 1935 Douglas H. Reed, Clerk.

Filed Nov. 9, 1935.

24 PETITION FOR REFERENCE TO NEW CONCILIATION COMMISSIONER.

Filed November 9, 1935.

To the Honorable Walter C. Lindley, Judge of said Court:

Elizabeth Wright and Charles C. Wright, by Graham & Dysert, their attorneys, respectfully show to the court that their amended petition has been filed and is pending in this court, for an extension of time within which to pay their debts; that no first creditors meeting has yet been conducted; that Harvey Gross, Conciliation Commissioner at Paris, Illinois, to whom said matter was referred, is and has been the attorney of record in a case in which the liability of these petitioners is involved, on a check signed by the brother of the petitioner Elizabeth Wright and delivered to her, and by her delivered to William S. Logan, one of her creditors, of Paris, Illinois; that the maker of said check has never paid the same and there is a controversy between Elizabeth Wright, said William S. Logan and said maker, as to whether or not Elizabeth Wright is liable for the amount of said check, One Hundred Fifty ($150.00) Dollars; that said Conciliation Commissioner is the attorney for the maker of said check; that this check has been inventoried by the petitioners since they filed their said amended petition, and under the circumstances said Commissioner is disqualified because of said facts, to act in said matter as such Commissioner, and petitioners therefore pray that he should be directed to return all the papers

in said matter to the Referee, and that the Referee be directed to send the same to the Conciliation Commissioner of Iroquois or Champaign County instead of to the said Harvey Gross.

(Signed) Elizabeth Wright,
(Signed) Charles C. Wright,
Debtors.

Allowed & Cause Referred to James A. Solon, Comr. for Champaign Co. 11/9/35. (Signed) Lindley.

Duly Verified.

26 ORDER OF RE-REFERENCE.

Entered Nov. 1935.

Entered November 12, 1935.

Whereas the petition of Elizabeth Wright and Charles C. Wright filed in this Court on the 5th day of April, A. D. 1935, praying that he be afforded an opportunity to effect a composition or extension of time to pay his debts under section 75 of the Bankruptcy Act, having been duly approved by order of this Court on the 5th day of April, A. D. 1935, and their Amended Petition filed on Oct. 9th-35, it is thereupon, ordered, that said matter be rereferred to James A. Solon of Champaign, Champaign County, one of the conciliation commissioners of this Court, to take such further proceedings therein as are required by said section, and if application for confirmation of proposal for composition or extension under said section 75 be duly filed with the conciliation commissioner, to hold, after due notice to creditors, a final creditors' meeting to consider said application for confirmation and to report his findings and conclusions relating to the confirmation or denial of such application to this Court, accompanied by all those papers, instruments, accounts and recommendations specified in Section 6 of General Order L. as promulgated by the Supreme Court of the United States; and that said Elizabeth Wright and Charles C. Wright, debtor, shall attend before said conciliation commissioner, instanter, and shall henceforth submit to such orders as may be made by said conciliation commissioner or by this Court relating to the proceedings under said section; and shall make and file with the conciliation commissioner a full and complete

inventory of all his property within ten days from the date of this order.

Witness the Honorable Walter C. Lindley, Judge of said Court, and the seal thereof at Danville, in said District on the 12th day of November, A. D. 1935.

D. H. Reed,
(Seal) *Clerk.*

(Endorsed): In the District Court of the United States * * (Caption—2414-D) * * Order of Re-Reference to Conciliation Commissioner Issued November 12th, 1935 Douglas H. Reed, Clerk.

Filed Jan. 4, 1939.

42 And afterwards on to-wit: the 4th day of January, A. D. 1939, there was filed in the office of the Clerk of said Court in said cause, a PETITION, which said petition was and now is in words and figures following, to-wit:

43 In the District Court of the United States.
* * (Caption—2414-D) * *

To the Honorable Walter C. Lindley, Judge of the United States District Court for the Eastern District of Illinois:

Gusta Logan, Harriet Logan Sawyer, and Exia Logan Reese, petitioners, respectfully show to the Court that at the November Term, A. D. 1932, of the Circuit Court of Edgar County, Illinois, in a certain suit therein pending, on the Chancery side thereof, W. S. Logan obtained a decree of foreclosure of a real estate mortgage against Elizabeth Wright and Charles C. Wright in the sum of $3822.12, and the costs of the proceeding; that it was provided in said decree that in default of payment of said sum of money, together with costs within 20 days from December 17, 1932, that the Master in Chancery of said Court should proceed to sell the premises named in said decree, viz:

The East Half of the Southeast Quarter of the Southeast Quarter of Section Twenty (20) Containing 20 acres, more or less, and the North Half of the Southwest Quarter of the Northwest Quarter of Section Twenty-one (21) containing 20 acres, more or less, all in Township Fourteen (14) North and in Range Twelve (12) West of the 2nd P. M., containing in all 40 acres, more or less, situated in the County of Edgar and State of Illinois;

after having advertised the same in accordance with the terms of the decree, which decree is recorded in full in Volume 66, page 442 of the records of said Court; that the said Elizabeth Wright and Charles C. Wright having failed to pay said sum of money and costs within said time, the then Master in Chancery of said court, on the 3rd day of Februray, 1933, found the amount due W. S. Logan to be $4101.52 and sold said premises in said decree mentioned and above described (the time and place of sale having been duly advertised according to law and said decree) to W. S. Logan, for the sum of $3801.52, he being the highest and best bidder therefor, leaving a deficit of $300.00; that
44 the said Master then and there delivered a certificate of purchase to said W. S. Logan, as provided by Statute; that under the statute of the State of Illinois the mortgagors, Elizabeth Wright and Charles C. Wright, had twelve months from the date of said sale to redeem and any judgment creditor or other lienholder had fifteen months from said date to redeem from said sale; that neither the mortgagors nor any lienholder or creditor exercised their right to redeem; that the day before the fifteen month redemption period expired, Elizabeth Wright and Charles C. Wright filed their petition under Section 74 of the Bankruptcy Act praying for a composition and agreement for an extension of time as provided by that Act; that a full hearing was had before the Referee in Bankruptcy for the District Court of the Eastern District of Illinois, and the Referee filed his order denying the petition for several reasons, among which one reason was in the words and figures following:

"* * * The Referee finds as a matter of law that if the twelve months period had expired for the purpose of exemption by the mortgagee, no contractal relation of debtor and creditor existed by and between the former mortgagee and mortgagor, and that the petition for extension was not filed within the time contemplated by the statute for restraining order or affecting the rights of the mortgagee.

"The mortgagors rights and any interest in the property ceased at the expiration of the twelve months provided by statute for redemption, and no petition for extension could avail in favor of the mortgagor subsequent to the date of such period of redemption."

It was, therefore, ordered that the petition be denied and the composition as presented be not confirmed; that because of the importance of the questions involved the Referee on

his own motion, referred the findings to the District Court for the Eastern District of Illinois; that thereafter the said District Court entered an order approving and confirming the order of the Referee from which order the petitioners, Elizabeth Wright and Charles C. Wright appealed to the United States Circuit Court of Appeals for the Seventh District, which court affirmed the order of the District Court on the 22nd day of February, 1935, and refused a renearing prayed by petitioners and entered a final order affirming the order of the District Court on the 25th day of March, 1935; (*Wright* v. *Logan*, 75 F. (2d) 687 and Amer. Bank-
45 ruptcy Reports, N. S. 28 page 94); that said order is in full force and effect to the present date. That after the fifteen months period of redemption had expired the said Master in Chancery executed and delivered to W. S. Logan a deed for said real estate, all in the manner requirtl by law.

That after the filing of the mandate of the United States Circuit Court of Appeals in the District Court, Elizabeth Wright and Charles C. Wright, on April 5, 1935, filed an amended petition asking for an extension of time to pay their debts under the Bankruptcy Act as amended, alleging that they desired to file a suit in the Edgar County Circuit Court for a decree allowing them to redeem after the period of redemption; that afterwards said chancery suit was tried in the Edgar County Circuit Court and a decree rendered against the said Elizabeth Wright and Charles C. Wright dismissing their complaint for want of equity; that thereafter the said Elizabeth Wright and Charles C. Wright appealed from the order of the Circuit Court dismissing their complaint, to the Appellate Court for the Third District of the State of Illinois; that on the 15th day of January, 1937, the Appellate Court reversed and remanded the decree of the Circuit Court with directions that the Circuit Court ascertain the amount due from the said Elizabeth Wright and Charles C. Wright to the said W. S. Logan; that the plaintiffs be permitted to redeem within a reasonable time to be fixed by the Court and that upon payment thereof the deed from the Master in Chancery conveying the premises described in the decree of foreclosure to the defendant be cancelled and that the defendant Logan be required upon such redemption to reconvey by proper deed to Elizabeth Wright the title acquired by him to the property through said Master's deed and certificate. (See

opinion of the Appellate Court in *Wright* v. *Logan*, 288 Ill. App. 481.)

That the Statute of Illinois provides in Chapter 110, Paragraph 216 as follows:

"No new trial shall be had by reason of the reversal of any judgment, order or decree, unless the mandate shall be filed in the trial court within one year after final determination by the reviewing court."

46 That no mandate was filed in the Circuit Court of Edgar County within one year of January 15, 1937.

That on November 9, 1935, the Bankruptcy petition of Elizabeth Wright and Charles C. Wright was rereferred to James A. Solon, of Champaign County, Illinois, as Conciliation Commissioner; that on February 29, 1936, the said Elizabeth Wright and Charles C. Wright filed a new petition asking for a restraining order against all parties interested from obtaining any writ of restitution for said real estate; that a hearing on said petition was set for March 7, 1936.

Petitioners further represent that the said W. S. Logan is now deceased; that the petitioner, Gusta Logan, is the widow of W. S. Logan, and Harriet Logan Sawyer and Exia Logan Reese are daughters of the said W. S. Logan, Deceased; that petitioners file this petition on behalf of themselves and on behalf of all the other heirs and devisees of the said W. S. Logan, Deceased.

Petitioners further represent that no hearing was had on said March 7, 1936, and no hearing has ever been had since on said petition; that no steps have been taken before the said James A. Sol[illegible]; that the said Elizabeth Wright and Charles C. Wright have taken no steps toward having said hearing; that the said Elizabeth Wright and Charles C. Wright have not paid anything in accordance with the directions of the Appellate Court of Illinois and have not tendered any money in accordance with said finding; that nevertheless, the said Elizabeth Wright and Charles C. Wright are still in possession of said premises and without having made any offer of payment of the amount due to the heirs and devisees of W. S. Logan, Deceased.

Therefore, your petitioners respectfully ask the Court:

1. To order and direct the said James A. Solon to make a report within some reasonable time to be fixed by the Court.

2. That after a hearing on this their petition, the heirs

and devisees of said W. S. Logan be authorized to proceed and take all necessary steps to gain possession of said real estate and that an order be entered against the said
47 Elizabeth Wright and Charles C. Wright to vacate said premises and deliver possession of the same to the heirs and devisees of W. S. Logan, Deceased.

3. That in the alternative, that the Court determine the amount due under said foreclosure decree at this time and that it fix a reasonable time for the said Elizabeth Wright and Charles C. Wright to pay said amount and in case of their failure so to do that they surrender possession to the heirs and devisees of W. S. Logan, Deceased.

4. That the Court fix a time for a hearing on this their petition, and direct what notice shall be given to said Elizabeth Wright and Charles C. Wright of the time and place of such hearing.

Gusta Logan,
Harriet Logan Sawyer,
Exia Logan Reese,
Petitioners.

By O. M. Jones,
Their Attorney,
306 Adams Building,
Danville, Illinois.

State of Illinois, }
County of Vermilion. }

Exia Logan Reese, being first duly sworn on her oath says that the above and foregoing petition is true as therein alleged, to the best of her knowledge and as she verily believes.

Exia Logan Reese.

Subscribed and sworn to before me this 3rd day of January, A. D. 1939

Maru Grant,
(Seal) *Notary Public.*

48 Endorsed: In Bankruptcy No. 2414-D—In the Matter of Elizabeth Wright and Charles C. Wright, Debtors—Petition—Filed Jan. 4, 1939—D. H. Reed, Clerk—Jones, Grant and Sebat, Attorneys at Law, 306 Adams Building, Danville, Illinois.

49 And afterwards, on to-wit: the 14th day of January, A. D. 1939, there was filed in the office of the Clerk of said Court in said cause, a Motion to Dismiss, which said motion was and now is in words and figures following, to-wit: Filed Jan. 14, 1939.

50 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

MOTION TO DISMISS.

Filed Jan. 14, 1939, D. H. Reed, Clerk.

Now come Elizabeth Wright and Charles C. Wright, debtors in the above entitled cause, by their attorneys, and move the court to dismiss the petition filed herein on the 4th day of January, A. D. 1939 by Gusta Logan and others, through Jones, Grant and Sebat, their attorneys, because said petition fails to set forth facts sufficient to entitle the petitioners, or either of them, to any relief whatsoever, as prayed for in said petition. And for special grounds for this motion these debtors say:

1. That under the decision of the Appellate Court of Illinois, Third District, in the case of these debtors, Elizabeth Wright and Charles C. Wright *vs.* W. S. Logan and others, (288 Ill. App. 481), a decree of the Circuit Court of Edgar County, Illinois, was reversed and the cause was remanded to the Circuit Court of Edgar County, Illinois, by said Appellate Court, to ascertain the amount due, if any, from these debtors to the said W. S. Logan, since deceased, and that these debtors be permitted to redeem from said foreclosure sale of the real estate described in said petition, within a reasonable time to be fixed by the court, and that upon payment thereof the deed from the Master of Chancery conveying

51 said premises described in said decree of foreclosure be cancelled, and that the said Logan be required, upon such redemption, to reconvey by proper deed, the title he acquired to said property through said Master's deed and certificate, to these debtors; that said decree reversing and remanding said cause was entered on the 15th day of January, A. D. 1937 and that at and prior to said time these debtors had filed their respective

petitions in bankruptcy in the above entitled cause, under Section 74 of the Bankruptcy Act, and later amended the same to come under Section 75 of said Act, and said whole matter, including these debtors rights given them by said decree of said Appellate Court and all proceedings thereunder were under and within the exclusive jurisdiction of said Federal Court and by reason thereof the provisions of Chapter 110, Paragraph 216 of the Statutes of the State of Illinois, pleaded in said petition herein, were stayed, inoperative and legally ineffective, and required no steps or proceedings to be taken by these debtors for the filing of a mandate of said Appellate Court in said trial court within a year after said final determination by said reviewing court in order to have all the matters therein retired in said proceeding in said trial court in Edgar County, Illinois, or before the Conciliation Commissioner, James A. Solon, of Champaign, Illinois, to whom the above entitled bankruptcy proceedings were referred by this court on the 9th day of November, A. D. 1935, and where they are still pending and have been continuously pending since said date, and none of said petitioners have taken any steps whatever to enforce any alleged rights they are now claiming.

2. That the alleged facts in said petition wholly fail to show affirmatively wherein, at this time, said petitioners have any legal right to file this petition or where they are entitled to any relief as therein prayed for.

52 Wherefore, these debtors pray that said petition be dismissed at the cost of the petitioners, and that the debtors herein recover their costs by them wrongfully sustained.

(Signed) Elizabeth Wright,
Charles C. Wright.
By Steely, Steely, Graham & Dysert,
908 First National Bank Bldg.,
Danville, Illinois,
Attorneys for Debtors.

Endorsed: No. 2414-D In Bankruptcy—In the Matter of Elizabeth Wright and Charles C. Wright, Debtors. Motion to Dismiss—Filed Jan. 14, 1939—D. H. Reed, Clerk—Steely, Steely, Graham & Dysert, 908 First National Bank Bldg., Danville, Illinois, Attorneys for Debtors.

53 And afterwards, on to-wit: the 17th day of February, A. D. 1939, the following proceedings were had in said court in said cause, and entered of record, to-wit: Entered Feb. 17, 1939.

54 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

Lindley, Judge.

ORDER UPON MOTION TO DISMISS PETITION OF GUSTA LOGAN, ET AL., FOR RELIEF IN THE ALTERNATIVE.

Filed and Entered Feb. 17, 1939, D. H. Reed, Clerk.

Upon due consideration of the briefs and argument, it is ordered by the court that the debtors' motion to dismiss the petition of Gusta Logan, et al., filed herein January 4, 1939, be and the same is hereby denied and that the debtors answer said petition within ten days from this date. Thereupon, upon motion of either party or of the court, this cause will be set for hearing in order that the court may determine from the evidence whether petitioners are entitled to the relief prayed. Such evidence will include that of all acts and transactions of the debtors in the last six years with regard to the land involved, the amount of accrued indebtedness secured by the mortgage, the value of the land and any and all other pertinent or relevant facts and circumstances, in order that the court may determine what in equity should be done.

Entered this 17th day of February, A. D. 1939.

(Signed) Walter C. Lindley,
Judge.

Filed Feb. 27, 1939. 55 And afterwards, on to-wit: the 27th day of February, A. D. 1939, there was filed in the office of the Clerk of said Court in said cause, an Answer, which said answer was and now is in words and figures following, to-wit:

56 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

ANSWER.

Filed Feb. 27, 1939, D. H. Reed, Clerk.

The debtors, by way of answer to the petition herein, say:

1. That the petitioners have no authority, right, title or interest in the subject matter involved, which enables them as proper or necessary petitioners, to file this petition. On the contrary, W. S. Logan, to whom the note and mortgage in question was payable, died on or about February 22, 1936, leaving a Last Will and Testament which is in full force and effect, and that the Edgar County National Bank is Administrator of said Estate, and J. G. Humrichouse was appointed as Trustee and Receiver, by order of court, and title to said entire estate was vested in said Trustee, in trust, for certain purposes therein set forth; that said Administrator has not been discharged and said Trustee has not been released, and therefore said administrator and trustee are not only necessary but proper petitioners. Therefore, this court does not have any jurisdiction of the subject matter over these debtors and is powerless to enter any order in connection with the same, except an order of dismissal.

2. That these defendants did not owe the said W. S. Logan, in his lifetime, and do not now owe to his administrator, trustee, receiver, or to the petitioners herein,
57 on said mortgage note mentioned in the petition, the sum of money therein mentioned.

3. That the Appellate Court of the Third District of the State of Illinois, by its decision in reversing and remanding the case of these debtors against W. S. Logan, reversed the decree entered in said cause and remanded said case with directions that the court ascertain the

amount due from these debtors to the said W. S. Logan and that they be permitted to redeem within a reasonable time to be fixed by the court, and that upon payment thereof the deed from the Master in Chancery conveying the premises described in the deed of foreclosure to said Logan be cancelled and that said Logan be required, upon such redemption, to re-convey by proper deed, to said Elizabeth Wright, the title acquired by him to the property through said Master's deed and certificate.

4. That these debtors, under Section 75 of Chapter 8 of the Bankruptcy Act, are entitled to have all of their rights in all of their property preserved in the Bankruptcy Court of this jurisdiction, where said matter is now pending, including their right to rehabilitation and an extension of such time as said law provides within which to do so.

5. Debtors deny that Chapter 110, Para. 216 of the Code of Civil Procedure is applicable for any of the purposes alleged in said petition, because all of the debtors entire estate was during the year following the entry of said judgment drawn within the jurisdiction of said Bankruptcy Court.

6. Debtors deny that the petitioners are entitled to any relief whatever as prayed for in said petition.

Elizabeth Wright,
Charles C. Wright,
Debtors.

By Steely, Steely, Graham & Dysert,
Attorneys for Debtors,
908 First National Bank Bldg.,
Danville, Illinois.

58 State of Illinois } ss.
County of Vermilion }

Elizabeth Wright, being first duly sworn upon her oath deposes and says that she is one of the debtors in the above entitled cause; that she makes this affidavit for and on her own behalf, and on behalf of Charles C. Wright, the other debtor herein; that she has read the above and foregoing answer, and that the same in true as therein alleged, to the best of her knowledge and as she verily believes.

(Signed) Elizabeth Wright.

Subscribed and sworn to before me this 25 day of February, A. D. 1939.

Marie A. Timmons,
(Seal) *Notary Public.*

Endorsed: No. 2414-D In Bankruptcy—In the Matter of Elizabeth Wright and Charles C. Wright, Debtors—Answer—Filed Feb. 27, 1939—D. H. Reed, Clerk—Steely, Steely, Graham & Dysert, 908 First National Bank Bldg., Danville, Illinois, Attorneys for Debtors.

Entered Mar. 11, 1939.

59 And afterwards, on to-wit: the 11th day of March, A. D. 1939, the following further proceedings were had in said court in said cause and entered of record, to-wit:

60 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

ORDER UPON PETITION OF W. S. LOGAN, ET AL.

The debtors in this case are Elizabeth Wright and her husband. In November, 1932, W. S. Logan, the testate of petitioners, now deceased, a mortgagee, obtained a decree of foreclosure and sale upon forty acres of land belonging to Mrs. Wright for $3822.12 and costs. Pursuant to the decree, the property was sold by the master-in-chancery, on the 3rd day of February, 1933, at which time there was due the mortgagee $4101.52, to the latter for $3801.52, leaving a deficit of $300, for which judgment was entered against the debtors. Certificate of purchase duly issued.

Under the statute of Illinois, the mortgagors had twelve months and their creditors fifteen months within which to redeem. No redemption was made. On the last day before the expiration of the fifteen months period and almost three months after the debtors' right to redeem had expired, the latter filed their petition in this court under Section 74 of the Bankruptcy Act as amended, seeking an agreement for extension or composition as provided by the act. The referee, to whom the cause was referred, found that the mortgagors had no interest in this property at the time they filed their petition and that, therefore, there could be no valid proceedings for composition or extension, so far as the land involved was concerned. Upon review, this court approved his order and was affirmed by the United States

Circuit Court of Appeals in *Wright* v. *Logan*, 75 Fed. (2d) 685. In accord with the mandate of that court, the
61 order of this court remains in full force and effect.

Upon expiration of the period of redemption of fifteen months, the master-in-chancery executed and delivered to Logan a deed for the real estate.

The debtors filed suit in the state court, seeking a decree allowing them to redeem despite expiration of the period of redemption. They were defeated in the trial court but the decree was reversed by the Appellate Court, which directed that the relief be granted and that plaintiffs be permitted to redeem within a reasonable time to be fixed by the *nisi prius* court. *Wright* v. *Logan*, 288 Ill. App. 481.

Paragraph 216 of Chapter 110 of the Illinois Statutes provides that no new trial shall be had by reason of the reversal of any judgment, order or decree, unless the mandate shall be filed in the trial court within one year after final determination by the court of review. No mandate was filed in the trial court within one year of the date of the final determination of the reviewing court.

After the affirmance by the Court of Appeals and after its mandate had been filed in this court, the debtors, on April 5, 1935, filed an amended petition under Section 75 of the Bankruptcy Act as amended, asking for extension of time to pay their debts. The petition was referred to the conciliation commissioner. At that time debtors moved for a restraining order against the mortgagee and other creditors. No hearing was had upon this motion. The mortgagee having died, petitioners as devisees under his will are now the owners of all interest of the mortgagee by virtue of the premises aforesaid. No composition or extension agreement has been accepted by a majority of the creditors and filed with the conciliation commissioner, but the debtors have remained in possession of the land and enjoyed its fruit and product at all times since default was made in the payment of interest upon the mortgage prior to 1932.

The receiver of the state court collected rent from the debtors for a time but for the last four years no sub-
62 stantial amounts have been paid to the mortgagee, the conciliation commissioner or others by way of rent as required by the Frazier-Lemke Act. Thus, for all practical purposes the debtors have enjoyed a moratorium of seven years and for more than three years last past without payment of any substantial rent.

Mrs. Wright owns, in addition to the forty acres, a life estate in seventy acres which is good productive land. This is unincumbered except for the judgments hereafter mentioned. At the time she filed her schedules, she owed in addition to what was due the mortgagee some $4300 represented by judgments in the Circuit Court of Paris, Illinois, and $1278 to creditors who were unsecured. She testified that she has since reduced the judgment creditors' indebtedness by approximately $1000; that one judgment creditor holding judgment for $1164.26, is in bankruptcy; that she believes that she can adjust the latter for $500; that she has since paid to unsecured creditors some $545; that of the unsecured creditors, $300 in the form of a rental note to the mortgagee will be satisfied by satisfaction of the mortgage indebtedness.

The debtors conduct a dairy and farm the land, raising the ordinary farm crops on all portions of both the forty acres and the seventy acres, other than that necessary for pasturage and the lots where the home property which consists of a house of about eight rooms, a barn and some small buildings, is located. They retail milk to consumers and sell some in larger lots to merchants for retail. They have a tractor which was purchased in the last two years, an old one being traded in credit on the purchase price, some cash having been paid and the balance remaining due on the conditional sales contract.

On the undisputed evidence the land is fairly worth $5000. The total indebtedness represented by the decree of foreclosure, deficiency judgment and the interest and taxes, less such credits as have been paid, is $5560.72. The debtor at one time had arranged to borrow for refinancing purposes from the Federal Land Bank $5000 and from one of its
63 associated affiliates, an additional sum of $1000. She had hoped to procure with this $6000 a satisfaction of the mortgage indebtedness and of the larger part of the judgment debts. She says she had an arrangement for the subordination of any judgment lien the owner of which would not accept a reduction. Apparently nothing has been done along this line for many months.

The debtors are not in very creditable position with regard to the mortgage indebtedness. They have not been diligent. They have made no redemption, although the state court has provided that they might do so. They have failed to comply with the federal act by paying the usual and customary rental. In the meantime, the mortgage indebted-

ness has increased. The deed held by the mortgagees has been retained in their possession under order of this court directing that it shall not be recorded or given any effect until and unless this court shall so direct. Seven years have passed since entry of the decree of foreclosure and it is obvious that the creditors have been most reasonable in permitting such a period to elapse without realization of tangible results from the mortgage owned by them. On the other hand the debtors have made some progress in the payment of other indebtedness. Apparently they are industrious and thrifty. I desire to save any equity they may have. It would seem that there is no equity in the forty acres, but when it is considered in connection with the seventy acre life estate, the debtors might possibly work out a satisfaction not only of the mortgage but of their other debts so that, there then being no liens against the life estate, they would have a means of livelihood.

The petitioners have a deed to which the court may at any time give full force and effect. Consequently it is unnecessary to have another sale. But in case this court found it necessary to order a sale, there would be a period of redemption of ninety days. Consequently it seems to me only equitable that the debtors should enjoy the same period of time they would have if the property should be sold, within which to make redemption. It would require about thirty days to make a sale and the act allows ninety
64 days for redemption. Accordingly, it is the order of the court that the jurisdiction of this court over the deed held by petitioners and over petitioners be and the same is hereby retained; that the debtors remain in possession and custody of the property, upon condition that they at once pay a reasonable rental for the use of the land during the farming season of 1938 and arrange to pay a reasonable rental for the present season to the conciliation commissioner. Obviously any rental paid will be credited upon the total amount of the mortgage indebtedness which will thereby be proportionately reduced. This matter will be continued for a period of 120 days from this date. During that time debtors shall have every opportunity to redeem from the mortgage sale and to make any and all possible adjustment and composition with their creditors. In other words, their rehabilitation must be completed within 120 days. In the absence of their inability to complete it, the court will at the end of said period, give full force and

effect to the deed held by petitioners. The conciliation commissioner will act in accord with this order.

Entered this 11th day of March, A. D. 1939.

Walter C. Lindley,
Judge.

Endorsed: In Bankruptcy No. 2414-D Elizabeth Wright and Charles C. Wright, Debtors. Order Upon Petition of W. S. Logan, et al. Filed and Entered Mar. 11, 1939. D. H. Reed, Clerk.

Filed Mar. 11, 1939.

27

STIPULATION.

(Filed March 11th, 1939.)

It Is Hereby Stipulated between Elizabeth Wright and Charles C. Wright, Debtors in the above styled proceeding, and Augusta Logan, Harriet Logan Sawyer, and Exia Logan Reese, as petitioners, as well as other Logan Heirs represented by counsel, that the amount due the Logan Estate as of March 9, 1939, is Five Thousand One Hundred Sixty-Nine Dollars and Fifty Cents ($5,169.50).

It Is Further Stipulated that the above sum of $5,169.50 does not include the Three Hundred Dollar ($300.00) item reported as a deficiency by the Master in Chancery in his report of sale to the Circuit Court of Edgar County, Illinois, in Chancery Case No. 7461; said report having been filed by said Master on February 3, 1933.

It Is Further Stipulated that interest on $300.00 at five per cent (5%) from February 3, 1933, to March 9, 1939, amounts to $91.22.

(Signed) Elizabeth Wright,
(Signed) Charles C. Wright,
Debtors.

(Signed) Augusta Logan,
(Signed) Harriet Logan Sawyer,
(Signed) Exia Logan Reese,
By Jones, Grant & Seba.,
Attorneys for Petitioners.

5169.50
391.22

$5560.72

65 And afterwards, on to-wit: the 6th day of January, A. D. 1940, the following further proceedings were had in said court in said cause and entered of record, to-wit: Entered Jan. 6, 1940.

66 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

(Filed Jan. 6, 1940, D. H. Reed, Clerk.)

Heretofore, on March 11, 1939, the court entered an order continuing the petition of the mortgage creditors for relief for 120 days and directed debtors to redeem from sale or complete rehabilitation within the terms of the Act within that time. This extension and continuance came to an end almost six months ago and no evidence of compliance with the order by debtors, has been presented. Upon motion of the mortgage creditors, therefore, now,

It is Ordered that the petition of Gusta Logan, et al., filed January 4, 1939, praying that the premises be surrendered to them, and answer of debtors thereto filed February 27, 1939, heretofore continued as aforesaid, be set for final hearing on January 12, 1940 at 9:30 a. m. in Danville, Illinois, and that before that date the conciliation commissioner file a current report to date.

Entered this 6th day of January, A. D. 1940.

(Signed) Walter C. Lindley,
Judge.

28 REPORT OF CONCILIATION COMMISSIONER. Filed Jan. 12, 1940.

(Filed January 12, 1940.)

To the Honorable Judges of the United States District Court, for the Eastern District of Illinois:

I, respectfully submit that the above cause has been pending before me as Conciliation Commissioner, and I herewith submit my report as follows:

November 13, 1935—Order of reference received, accompanied by petition and schedules, cause docketed.

November 26, 1935—Received $3.40 publication costs from Attorneys Graham & Dysert.

December 26, 1935—Mailing of notices of creditors' meeting.

January 9, 1936—Sworn claim William C. Wilson, $1,128.50, on file.

January 10, 1936—First creditors' meeting held.

Appearances:

Elizabeth Wright and Charles C. Wright, Debtors, Attorney F. C. VanSellar appearing for William S. Logan, Walter Hoenig and Allan Jay Parrish.

Bankrupts duly sworn and examined.

Sworn claim Walter Hoenig in the amount of $1,091.73 on file.

Sworn claim Allan J. Parrish in the amount of $1,369.60 on file.

Proposition for extension of time and composition by debtors on file.

29 January 10, 1936—Petition of William S. Logan asking to be dismissed as a party in said bankruptcy proceeding.

January 14, 1936—Petition filed by W. H. Hodge and others, creditors of Elizabeth and Charles C. Wright, requesting that a foreclosure proceeding in Edgar County be enjoined as against the debtors.

Notice to parties in the case of William S. Logan et al *vs.* Elizabeth Wright and Charles C. Wright, Foreclosure in the Circuit Court of Edgar County, and docketed in that court as number 2243-A. That the defendants in said foreclosure have filed a petition under Section 75 of the Bankruptcy Act.

March 21, 1939—Received from Elizabeth Wright $300.00 in payment of the 1938 rental of the East Half SE SE Sec. 20 and North Half SW of the NW of Sec. 21, all in Twp. 14 North, Range 12, West of the 2nd P. M.

March 28, 1939—Entered into a lease of 40 acres, a part of the bankrupt estate, with Elizabeth Wright and Charles C. Wright for the crop year from the 1st of March, 1939 to the 1st of March, 1940, at an annual rental of $300.00, payable $150.00 September 1, 1939 and $150.00 on January 1, 1940. This lease was made pursuant to an order of the United States District Court for the Eastern District of Illinois entered in Bankruptcy No. 2414-D on March 11, 1939.

July 19, 1939—Received from Elizabeth Wright $150.00 in payment of the first instalment of rent for the crop year 1939 due upon her lease.

Your Commissioner further reports that the said Elizabeth Wright has made numerous efforts to obtain a loan upon the 40 acre tract above mentioned and the 70 acre tract in which she has a life estate. Your Commissioner has been informed by V. W. Johnston, a loan broker of Champaign, Illinois, that the Alliance Life Insurance Company would loan $3,000 upon the 40 acre tract and that he, Mr. Johnston, had hopes of interesting a private lender in loaning the balance of the money required to effect a redemption, such loan to be made upon the 70 acres.

The Debtor, Elizabeth Wright, and Mr. O. B. Pace, who has an office as State Farm Debt Adjustment Supervisor under the Farm Security Administration, were in my office today. Mr. Pace is, I believe, conversant with Mrs. Wright's financial condition and has been helpful to her in working out a way to effect redemption of her farm. The present plan is to obtain a loan upon the 40 acres of $3,000, which Mr. V. W. Johnston has assured them can be obtained from the Alliance Life Insurance Company, a sale of live stock and dairy equipment which will bring $1,050.00, sale of corn and hay which will bring $325.00 and the children of Mrs. Wright to raise $900.00 among themselves. Mrs. Wright has exhibited to me receipts from all her debtors, with the exception of Ray Green and D. R. Noonan, whose claims total around $38.00, and the Logan heirs. I believe that if she can raise the amounts indicated by Mr. Pace she can pay off the mortgage indebtedness to the Logan heirs. I know that Mrs. Wright has been granted a large number of continuances in the above matter for the purpose of effecting the redemption which she is now trying to make, but I feel that she should be accorded an additional period in which to accomplish the plan which she and Mr. Pace have outlined. Mrs. Wright has informed me that she has paid the 1938 taxes on the 40 acre and 70 acre tracts.

Your Commissioner further respectfully reports that he now has on hand the sum of $450.00 which are rental receipts from Elizabeth Wright.

Respectfully submitted this 11th day of January, A. D. 1940.

James A. Solon,
Conciliation Commissioner, Champaign County, Illinois.

Entered Jan. 12, 1940.

67 And afterwards, on to-wit: the 12th day of January, A. D. 1940, the following further proceedings were had in said court in said cause and entered of record, to-wit:

68 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

In accordance with the former order entered herein in January 6, A. D. 1940, and after due notice to all parties in interest, a final hearing was had on this 12th day of January, 1940, at nine o'clock A. M.; the debtors, Elizabeth Wright and Charles C. Wright, appeared by Leo Burke, their attorneys, and Elizabeth Wright appeared in person; and the petitioners appearing by Jones, Grant and Sebat, their attorneys. The debtor, Elizabeth Wright, was sworn and examined in open Court. Also the Conciliation Commissioner, James A. Solon, in accordance with order of January 6, 1940, filed his current report to date.

After hearing the testimony, and the arguments of attorneys, and the Court being fully advised in the premises, it is ordered that the prayer of the original petition should be granted.

It Is Therefore, Ordered that the possession of the premises described in said original petition, be surrendered and restored to petitioners, by Elizabeth Wright and Charles Wright, on or before March 1st, 1940, or in the alternative pay to the Clerk of this Court for distribution among petitioners in keeping with the further order of Court, the sum of $5,560.72, plus interest at 5% from March 11, 1939, to the date of payment.

Entered this 12th day of January, A. D. 1940.

Walter C. Lindley,
Judge.

Endorsed: In Bankruptcy No. 2414-D In the Matter of the Elizabeth Wright and Charles Wright, Debtors—Order of Distribution—Filed & Entered Jan 12, 1940—D. H. Reed, Clerk—Jones, Grant and Sebat, 306 Adams Building, Danville, Illinois.

31 REPORT OF DEBTORS RELATIVE TO COMPROMISE SETTLEMENT.

Filed Mar. 2, 1940.

Filed March 2, 1940.

To James A. Solon, Conciliation Commissioner for Champaign County, Illinois:

Your debtor petitioners respectfully report to your Honor that they have submitted the proposition for extension of time and settlement to all creditors and parties in interest in said cause, and that said proposition read as follows:

The undersigned petitioners respectfully submit the following proposition of extension of time and offer of settlement with their creditors:

1. If given a reasonable time, to be fixed by the Commissioner, of not less than Ninety (90) days, they will make an application to the Federal Land Bank of St. Louis, Missouri, for enough money to pay William S. Logan, who has secured a Master's Deed under a foreclosure on their farm, and an appeal is being prosecuted to the Supmere Court by the petitioners from a decree dismissing the complaint in the Circuit Court of Edgar County, Illinois, asking for specific performance by William S. Logan of an oral agreement extending the time of equity of redemption of the petitioner beyond the twelve (12) months period and after the Master's deed was taken out.

2. That petitioners will agree to pay all other creditors within a period of three (3) or five (5) years, with Five Percent (5%) interest.

32 That said proposition has not been accepted by any of the creditors in this proceeding.

Your petitioners further report that subsequent to the filing of the abovementioned proposition for extension of time and settlement, they have made settlement with all creditors with the exception of the following:

Ray Green, Paris, Illinois $392.19;
D. R. Nooman, approximately 12.00;

and the heirs of William S. Logan who hold a Master's Certificate to farm land in Edgar County occupied by debtors, and a deficiency judgment arising out of the same foreclosure proceedings in which the above Master's

Certificate was issued, the amount necessary to redeem from such Master's Certificate and pay such deficiency judgment being Fifty-five Hundred Sixty Dollars and Seventy-two Cents ($5560.72) and interest thereon from the 11th day of March, 1939.

Your petitioners further represent that they have offered to the heirs of William S. Logan the sum of One Thousand Dollars ($1,000.00) to apply upon the amount owing to the said Logan heirs for the purpose of obtaining an extension of time in which to redeem such farm land. That said offer has not been accepted, and that your petitioners are now willing to pay into this Court said sum of One Thousand Dollars ($1,000.00) to apply towards the redemption of the land held by the Logan heirs under Master's Certificate of Sale.

Your petitioners further report that they do not have a majority in both number and amount of all present claims effected in the above proceeding, and respectfully submit that they be given relief and pray to be allowed to file an amended petition praying for an adjudication under Section 75-s as provided by the Acts of Congress relating to Bankruptcy.

Dated at Champaign, Illinois this 1st day of March, A. D. 1940.

Elizabeth Wright,
Charles C. Wright.

Duly Verified.

69 And afterwards, on to-wit: the 2nd day of March, A. D. 1940, there was tendered in the office of the Clerk of said Court in said cause, an Amended Debtors' Petition in Proceedings Under Section 70-Sub-Section S of the Bankruptcy Act, which said petition was and is in words and figures following, to-wit:

70 IN THE DISTRICT COURT OF THE UNITED STATES. Filed Mar. 2. 1940.
* * (Caption—2414-D) * *

AMENDED DEBTORS' PETITION IN PROCEEDINGS UNDER SECTION 75 SUB-SECTION S OF THE BANKRUPTCY ACT.

Tendered Mar. 2, 1940. D. H. Reed, Clerk.

To the Honorable Walter C. Lindley, Judge of the United States District Court:

The petition of Elizabeth Wright and Charles C. Wright respectfully shows:

1. That on the 5th day of April, 1935, petitioners filed their petition for a composition or extension under Section 75 of the Bankruptcy Act, which petition was thereafter approved and referred to Harvey Gross, Conciliation Commissioner of Edgar County, Illinois, and was then referred to James A. Solou, Conciliation Commissioner for Champaign County, Illinois on November 9, 1935.

2. That petitioners have failed to obtain the acceptance of a majority in number and amount of all creditors whose claims are affected by their composition or extension proposal.

Wherefore, petitioners hereby amend their said petition pursuant to the provisions of Section 75-s of the Bankruptcy Act, and ask to be adjudged a bankrupt, and for such other and further relief to which they may be entitled.

71 Dated at Champaign, Illinois this 1st day of March, A. D. 1940.

(Signed) Elizabeth Wright,
(Signed) Charles C. Wright.

Subscribed and sworn to before me this 1st day of March, A. D. 1940 by Elizabeth Wright.

(Signed) Majorie E. Robinson,
(Seal) *Notary Public.*

No endorsements.

72 And afterwards, on to-wit: the 5th day of March, A. D. 1940, the following further proceedings were had in said court in said cause and entered of record, to-wit:

Entered Mar. 5, 1940. 73 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

MEMORANDUM UPON DEBTOR'S AMENDED PETITION.

LINDLEY, *Judge.*

The court has at all times treated this proceedings as if it were under 75S and has granted to the debtors what is substantially an eight years moratorium, all of which appeared by the orders entered March 11, 1939 and January 12, 1940, both of which are incorporated herein by way of reference.

For the reasons previously stated; because the debtors on January 12, 1940, voluntarily offered to surrender title to and possession of the premises, if they were allowed to remain in possession until March 1, 1940; because I am without right or power to deprive the mortgagees of their rights longer, and because the debtor has enjoyed a moratorium far in excess of that provided by the Bankruptcy Act and has for years been treated as being within and given full enjoyment of all rights under 75S, it is

Ordered by the Court that the debtors' amended petition tendered herein March 2, 1940, be and the same is hereby denied; that any and all prohibition upon the intervening petitioners from exercising their rights under deed heretofore obtained by them be and the same is hereby removed; that the deed heretofore issued by the master-in-chancery be given full force and effect and that possession of the premises described in the original petition be surrendered immediately to said intervening petitioner, to-wit, Gusta Logan, Harriet Logan Sawyer and Exia
74 Logan Reese, by the debtors Elizabeth Wright and Charles C. Wright, as heretofore provided in the order of January 12, 1940.

It is further ordered that the debtor proceedings herein be and the same are hereby dismissed.

Entered this 5th day of March, A. D. 1940.

Walter C. Lindley,
Judge.

Endorsed: In Bankruptcy No. 2414-D—Matter of Elizabeth Wright and Charles C. Wright, Debtors—Memo upon debtor's amended petition—Filed & Entered Mar 5 1940—D. H. Reed, Clerk.

75 And afterwards, on to-wit: the 27th day of March, A. D. 1940, there was filed in the office of the Clerk of said court in said cause, a Notice and Petition for Appeal, together with order approving same, which said Notice and Petition for Appeal was and now is in words and figures following, to-wit: Filed Mar. 27, 1940.

76 IN THE DISTRICT COURT OF THE UNITED STATES,

For the Eastern District of Illinois.

In the Matter of
Elizabeth Wright and
Charles C. Wright,
Debtors. } In Bankruptcy No. 2414-D.

NOTICE AND PETITION FOR APPEAL.

Filed Mar. 27, 1940. D. H. Reed, Clerk.

Notice Is Hereby Given, that the above named debtors do hereby appeal from the final order and judgment entered in the above entitled cause on the 5th day of March, A. D. 1940, to the United States Circuit Court of Appeals for the Seventh Circuit, for the reasons specified in the Assignment of Errors filed herewith; which said order is as follows:

"Ordered by the Court that the debtors' amended petition tendered herein March 2, 1940, be and the same is hereby denied; that any and all prohibition upon the intervening petitioners from exercising their rights under deed heretofore obtained by them be and the same is hereby removed; that the deed heretofore issued by the master-in-chancery be given full force and effect and that possession of the premises described in the original petition be surrendered immediately to said intervening petitioners, to-wit: Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, by the debtors, Elizabeth Wright and Charles C. Wright, as heretofore provided in the order of January 12, 1940.

It is further ordered that the debtor proceedings herein be and the same are hereby dismissed."

Debtors pray this appeal may be allowed and that the original transcript of the record, proceedings and papers

upon which said order was made, be used and duly authenticated, and sent to the United States Circuit Court of Appeals, for the Seventh Circuit.

(Signed) Steely, Steely, Graham & Dysert,
Attorneys for Debtors,
908 First National Bank Building,
Danville, Illinois.

77 The foregoing Petition for Appeal is allowed this 27th day of March, A. D. 1940.

(Signed) Walter C. Lindley,
Judge.

Endorsed: No. 2414-D In Bankruptcy. In the Matter of Elizabeth Wright and Charles C. Wright, Debtors. Notice and Petition for Appeal.

78 District Court of the United States of America,

Eastern District of Illinois.

Filed Mar. 27, 1940. D. H. Reed, Clerk.

I, D. H. Reed, Clerk of the District Court of the United States for the Eastern District of Illinois, and keeper of the records and seals thereof, do hereby certify that a copy of the Notice and Petition for Appeal, together with order approving same, has this day been mailed to Jones, Grant & Sebat, Attorneys at Law, Adams Building, Danville, Illinois, in The Matter of Elizabeth Wright and Charles C. Wright, Debtors, in Bankruptcy No. 2414-D, by this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Danville, in the District aforesaid, this 27th day of March, A. D. 1940.

D. H. Reed,
Clerk.

(Seal)

79 And on the same day, to-wit: the 27th day of March, A. D. 1940, there was filed in the office of the Clerk of said Court in said cause, an Assignment of Errors, which said Assignment of Errors, was and now is in words and figures following, to-wit:

80 IN THE DISTRICT COURT OF THE UNITED STATES. Filed Mar. 2[illegible] 1940.
* * (Caption—2414-D) * *

ASSIGNMENT OF ERRORS.

Filed Mar. 27, 1940. D. H. Reed, Clerk.

The Appellants in the above entitled cause assign errors on the record and proceedings herein, as follows:

1. The Court erred, as a matter of law, in entering the written order in said cause on March 5, A. D. 1940, and filed with the clerk of said court, dismissing debtors proceedings herein, and in denying debtors' amended petition tendered March 2, 1940, and thereby requiring the debtors and appellants herein to turn over possession of the property therein referred to, to the Intervening Petitioners therein named.

2. The court, as a matter of law, should have allowed said petition of said debtors, filed herein on March 2, 1940 and should have retained jurisdiction of all of said proceedings.

3. The Court erred in entering its order filed with the clerk of this court on March 5, 1940, in said cause.

4. Because the equities of this cause are with the above named debtors, and as a matter of fact, they are entitled to the relief prayed for in said pending proceedings, and the order of this court dismissing the same was contrary to the evidence.

81 Wherefore, debtors pray that said order of said District Court of the United States for the Eastern District of Illinois, entered herein on the 5th day of March, A. D. 1940, may be set aside and reversed for further proceedings in conformity with the provisions of the Bankruptcy Act and the decisions of the Federal Court applicable thereto.

Steely, Steely, Graham & Dysert,
Attorneys for Debtors,
908 First National Bank Building,
Danville, Illinois.

82 (Endorsed) No. 2414-D In Bankruptcy. In the Matter of Elizabeth Wright and Charles C. Wright, Debtors. Assignment of Errors.

Filed Mar. 27, 1940. 83 And on the same day, to-wit: the 27th day of March, A. D. 1940, there was filed in the office of the Clerk of said Court in said Cause, a Praecipe for Record on Appeal, which said Praecipe was and now is in words and figures following, to-wit:

84 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

PRAECIPE FOR RECORD ON APPEAL.

Filed Mar. 27, 1940. D. H. Reed, Clerk.

The Clerk of the District Court is requested and directed to incorporate into the record on appeal in this cause, the following:

1. Placita.
2. Petition, No. 2414-D of Elizabeth Wright and Charles C. Wright, Debtors, and all amendments thereto.
3. The order of reference by said Court to James A. Solon, Conciliation Commissioner.
4. The Intervening Petition of Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, filed herein on January 4, 1939.
5. Motion to Dismiss said Intervening Petition, and Order of Court upon said Motion to Dismiss.
6. Answer of Debtors to Intervening Petition.
7. Order of Court entered March 11th, 1939, and all subsequent orders extending the time for debtors to make payment.
8. Final Order of Court entered March 5, 1940.
9. Notice and Petition for Appeal herein, to the United States Circuit Court of Appeals for the Seventh Circuit, and Order allowing said Petition for Appeal.
10. Assignment of Errors.
11. Praecipe for Record on Appeal.
12. Appeal Bond for costs and approval thereon, filed herein.
13. Clerk's Certificate.

Steely, Steely, Graham & Dysert,
Attorneys for Debtor-Appellants.

Endorsed: No. 2414-D In Bankruptcy—In the Matter of Elizabeth Wright and Charles C. Wright, Debtors—Praecipe for Record on Appeal.

85 And on the same day, to-wit: the 27th day of March, A. D. 1940, there was filed in the office of the Clerk of said Court in said Cause, a Cost Bond on Appeal, duly approved by the Court, which said Cost Bond on Appeal was and now is in words and figures following, to-wit: Filed Mar. 27, 1940.

86 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

COST BOND ON APPEAL.

Filed Mar. 27, 1940. D. H. Reed, Clerk.

Know All Men By These Presents: That we, Elizabeth Wright and Charles C. Wright, as principal, and Frank Englum and Marie W. Woodyard, as Sureties, acknowledge ourselves to be jointly indebted to Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, appellees in the above entitled cause, in the sum of Two Hundred Fifty ($250.00) Dollars, conditioned that, whereas, on the 5th day of March, A. D. 1940, in the District Court of the United States for the Eastern District of Illinois, in a suit depending in that court, wherein Elizabeth Wright and Charles C. Wright, were debtors, and Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, were intervening petitioners, In Bankruptcy No. 2414-D, a judgment, order or decree was rendered against the said Elizabeth Wright and Charles C. Wright, Debtors, and the said Elizabeth Wright and Charles C. Wright having filed in the office of the Clerk of the said District Court a notice of appeal to the United States Circuit Court of Appeals for the Seventh Circuit, to be holden in the City of Chicago, in the State of Illinois, on the 1st day of October, A. D. 1940, next.

Now, the condition of the above obligation is such that if the said Elizabeth Wright and Charles C. Wright shall prosecute their appeal to effect and answer all costs, if the appeal is dismissed or the judgment, order or decree affirmed, or of such costs as the appellate court may award if the judgment, order or decree is modified, then the above obligation is void, else to remain in full force and effect.

87 (Signed) Elizabeth Wright,
(Signed) Charles C. Wright,
Principals.
(Signed) Marie W. Woodyard,
(Signed) Frank Englum,
Sureties.

Approved this 27th day of March, A. D. 1940.
(Signed) Walter C. Lindley,
Judge.

State of Illinois } ss.
County of Edgar }

Marie W. Woodyard, of Paris, Illinois, being duly sworn on her oath deposes and says that she is the owner of the following described land:

Sixty-one (61) acres in the County Clerk's Subdivision of the W½ of the SW¼; NE¼ of the NW¼ and N½ of the SW¼ of the NW¼ in Section 7, Town 16 North, Range 11 West of the 2nd P. M., in Edgar County, Illinois,
of a value of at least Nine Thousand Dollars ($9,000.00) and that there is no mortgage or encumbrance of any kind on said land.

Further affiant saith not.

Dated at Paris, Illinois, this 16th day of March, A. D. 1940.

(Signed) Marie W. Woodyard.

Subscribed and sworn to before me this 16th day of March, A. D. 1940.

(Signed) June Drake,
(Seal) *Notary Public.*

My Commission expires 2/20/44.

88 State of Illinois } ss.
County of Edgar }

Frank Englum, of R. R. #7, Paris, Illinois, being duly sworn on his oath deposes and says:

That he is the owner of 240 acres of land in Section 18, Town 14 North, Range 12 West of the 2nd P. M., Edgar County, Illinois, together with the improvements thereon and that the value of said land is worth the sum of Twenty-four Thousand and no/100 Dollars ($24,000.00), and that there is no encumbrance or lien of any kind on said land.

Further affiant saith not.

Dated at Paris, Illinois, this 16th day of March, A. D. 1940.

(Signed) Frank Englum.

Subscribed and sworn to before me this 16th day of March, A. D. 1940.

(Signed) June Drake,
Notary Public.

(Seal).

My commission expires 2/20/44.

Endorsed: No. 2414-D In Bankruptcy. In the Matter of Elizabeth Wright and Charles C. Wright, Debtors. Cost Bond on Appeal.

33 NOTICE. Filed Mar. 28, 1940.

Filed March 28, 1940.

To: Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, Intervening Petitioners, and to O. M. Jones, Their Attorney.

Please Take Notice, that a Notice and Petition for Appeal in the above entitled cause and court, was filed on the 27th day of March, A. D. 1940 with the clerk of said court and said appeal was allowed by the court thereof, to the United States Circuit Court of Appeals for the Seventh Circuit, and an Appeal Bond for costs was filed and approved, also Praecipe for Record on Appeal designating the portion of the record, proceedings and evidence to be contained in said record on appeal, viz.:

1. Placita.
2. Petition, No. 2414-D of Elizabeth Wright and Charles C. Wright, Debtors, and all amendments thereto.
3. The order of reference by said Court to James A. Solon, Conciliation Commissioner.
4. The Intervening Petition of Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, filed herein on January 4, 1939.
5. Motion to Dismiss said Intervening Petition, and Order of Court upon said Motion to Dismiss.
6. Answer of Debtors to Intervening Petition.
7. Order of Court entered March 11th, 1939, and all subsequent orders extending the time for debtors to make payment.
8. Final Order of Court entered March 5, 1940.

34 9. Notice and Petition for Appeal herein, to the United States Circuit Court of Appeals for the

Seventh District, and Order allowing said Petition for Appeal.

10. Assignment of Errors.

11. Praecipe for Record on Appeal.

12. Appeal Bond for costs and approval thereon, filed herein.

13. Clerk's Certificate.

that an Assignment of Errors was also filed with the clerk of said court, with a concise statement of the points which we intend to rely upon on said appeal, viz.:

1. The Court erred, as a matter of law, in entering the written order in said cause on March 5, A. D. 1940, and filed with the clerk of said court, dismissing debtors proceedings herein, and in denying debtors' amended petition tendered March 2, 1940, and thereby requiring the debtors and appellants herein to turn over possession of the property therein referred to, to the Intervening Petitioners therein named.

2. The Court, as a matter of law, should have allowed said petition of said debtors, filed herein on March 2, 1940, and should have retained jurisdiction of all of said proceedings.

3. The Court erred in entering its order filed with the clerk of this court on March 5, 1940, in said cause.

4. Because the equities of this cause are with the above named debtors, and as a matter of fact, they are entitled to the relief prayed for in said pending proceedings, and the order of this court dismissing the same was contrary to the evidence.

Steely, Steely, Graham & Dysert,
Attorneys for Debtor-Appellants,
908 First National Bank Building,
Danville, Illinois.

Received a copy of the above Notice this 28th day of March, A. D. 1940.

O. M. Jones per J. E. Sebat,
Attorney for Intervening Petitioners.

89 And afterwards, on to-wit: the 27th day of April, A. D. 1940, the following further proceedings were had in said court in said cause and entered of record, to-wit: Entered Apr. 27, 1940.

90 IN THE DISTRICT COURT OF THE UNITED STATES.

* * (Caption—2414-D) * *

ORDER EXTENDING TIME TO PREPARE AND FILE RECORD ON APPEAL TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Upon application of Elizabeth Wright and Charles C. Wright, debtors in the above entitled cause, made and presented within Forty (40) days from the date of the Notice of Appeal in said cause, said Notice of Appeal being served and filed, as required by law, on the 27th day of March, A. D. 1940, the time for filing the record on appeal and docketing the same is hereby extended for said purposes, to the 20th day of June, A. D. 1940.

Dated this 27th day of April, A. D. 1940.

(Signed) Walter C. Lindley,
Judge.

As Attorneys for the Appellees in the above entitled cause, we hereby consent to the above order extending the time for preparing, filing and docketing the Record on Appeal, as above provided.

Dated this 27th day of April, A. D. 1940.

(Signed) O. M. Jones;
Attorneys for Appellees.

Endorsed: No. 2414-D In the Matter of Elizabeth Wright and Charles C. Wright, Debtors. Order Extending Time to Prepare and File Record on Appeal. Filed Apr. 27, 1940. D. H. Reed, Clerk.

35 SUPPLEMENTAL DESIGNATION OF CONTENTS OF RECORD ON APPEAL.

Filed July 1, 1940.

To Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese:

The appellants designate the following as supplementary to the designation of contents of the record on appeal heretofore served and filed:

1. All documents included in the record (those herein designated and those originally designated) shall have omitted therefrom all superfluous matter such as captions, verifications and duplications of matter. In place of verifications the words (Duly verified) shall be printed.

2. The clerk of the Circuit Court of Appeals will please have the documents, including those here designated and those originally designated, printed in chronological order as they were filed or entered.

3. The petition and schedules under Section 74 heretofore designated will be omitted as extraneous.

4. Entries on the Bankruptcy Docket beginning with the entry of May 3, 1934, and ending with that of April 27, 1940.

5. Order approving petition under Section 74 issued May 3, 1934.

6. Restraining order issued May 3, 1934.

7. Order granting leave to file petition under Section 75 entered April 5, 1935.

36 8. Petition under Section 75 filed April 5, 1935. Also of the schedules filed therewith the following: Schedule A-1, Section 2, with total; Schedule A-2; Schedule B-1; Schedule B-2; Schedule B-3; Schedule B-5; Summary of Debts and Assets, including only the items which have figures entered therein. The signatures are to be omitted from all schedules. Any other portion of said schedules will be omitted.

9. Order of Approval of petition under Section 75 and reference issued April 5, 1935.

10. Order dissolving injunction issued June 11, 1935.

11. "Commissioner's Final Report" filed September 28, 1935.

12. Order to show cause entered September 30, 1935.

13. Amended debtors' petition filed October 9, 1935.

14. Order of approval issued October 14, 1935.
15. Order to refer issued October 14, 1935.
16. Order of rereference issued October 14, 1935.
17. Petition for reference to new conciliation commissioner filed November 9, 1935 and the order of allowance and reference indorsed thereon and issued on the same date.
18. Order of rereference issued November 12, 1935.
19. Stipulation filed March 11, 1939.
20. Report of conciliation commissioner filed January 12, 1940.
21. "Report of Debtors Relative to Compromise Settlement" which contains a prayer "to be allowed to file an amended petition praying for an adjudication under Section 75 (s) as provided by the Acts of Congress relating to Bankruptcy" filed March 2, 1940.
22. Notice to appellees and receipt therefor dated and filed March 28, 1940.
23. This supplemental designation.
24. Certificate of clerk.
25. If any document designated herein shall have previously been designated it will be printed in the record but once.

37 PROOF OF SERVICE OF SUPPLEMENTAL DESIGNATION OF CONTENTS OF RECORD ON APPEAL.

Filed July 1, 1940.

United States of America
Eastern District of Illinois
County of Vermilan:

Walter V. Dysert being duly sworn says that on July 1, 1940, he served upon the appellees the attached Supplemental Designation of Contents of Record on Appeal by handing a duplicate thereof to their counsel of record Messrs. Jones, Grant & Sebat, Danville, Illinois.

Walter V. Dysert.
Walter V. Dysert.

Sworn to before me and in my presence subscribed this 1st day of July, 1940.

Marie A. Timmons,
Notary Public.

(Seal)

91 United States of America } ss.
Eastern District of Illinois }

I, D. H. Reed, Clerk of the United States District Court in and for the Eastern District of Illinois, do hereby certify that the annexed and foregoing is a true full and complete transcript of the record and proceedings in the Matter of Elizabeth Wright and Charles C. Wright, Debtors, in Bankruptcy No. 2414-D, as fully as the same appears from the original documents now on file and of record in my office as Clerk of said Court, and made in accordance with Praecipe for Record on Appeal filed herein by Appellants in this said case.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Danville, Illinois, this 14th day of June, A. D. 1940.

D. W. Reed,
Clerk.

(Seal)

By Marie Burnett,
Deputy Clerk.

38 District Court of the United States of America,

Eastern District of Illinois.

I, D. H. Reed, Clerk of the District Court of the United States for the Eastern District of Illinois, and keeper of the records and seals thereof, do hereby certify the foregoing to be a true copy of entries on Bankruptcy Docket, documents and orders in the Matter of Elizabeth Wright and Charles C. Wright, Debtors, in Bankruptcy No. 2414-D, (excepting captions, verifications and all irrelevant and formal portions thereof) as fully as the same appears from the original documents and orders now on file and of record in this Court and made in accordance with the Supplemental Designation of Contents of Record on Appeal, filed herein on July 1st, 1940.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Danville, in the District aforesaid, this 2nd day of August, A. D. 1940.

D. W. Reed,
Clerk.

(Seal)

IN THE UNITED STATES CIRCUIT COURT OF APPEALS. Filed Sept. 16, 1940.

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright,
Appellants.
vs.
Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese,
Appellees.

On Appeal from the United States District Court for the Eastern District of Illinois.

District Court Case No. 2414-D.

The following documents were designated both in the original and supplemental Designation of Contents of Record on Appeal. If both designations were followed there would be a duplication of documents in the record on appeal. Therefore counsel for the appellants and for the appellees have hereby stipulated that the following documents as designated shall be printed only once in the record.

1. Debtors' petition and schedules filed April 5, 1935.
2. Order to show cause entered September 30, 1935.
3. Amended debtors' petition filed October 9, 1935.
4. Order of rereference issued November 12, 1935.

Elmer McClain,
Walter V. Dysert,
Attorneys for Appellants.
O. M. James,
John A. Arnold,
Attorney for Appellees.

Endorsed: Filed Sept. 16, 1940. Kenneth J. Carrick, Clerk.

Filed Nov. 11, 1940.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS.

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright,
Appellants.
vs.
Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese,
Appellees.

On Appeal from the United States District Court for the Eastern District of Illinois.

District Court Case No. 2414-D.

STIPULATION.

The original Designation of the Record on Appeal contained as one of the documents to be printed, the petition and schedules under Section 74 filed on May 3, 1934. The Supplemental Designation of the Record on Appeal, Item 3, directed that the previously designated petition and schedules under Section 74 should be omitted from the record.

Counsel for the appellants and appellees hereby stipulate that the petition and schedules under Section 74 filed May 3, 1934, shall be omitted from the record on appeal.

Elmer McClain,
Walter V. Dysert,
Attorneys for Appellants.
John A. Arnold and
Jones, Grant and Sebat,
Attorneys for Appellees.

Endorsed: Filed Nov. 11, 1940. Kenneth J. Carrick, Clerk.

UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

I, Kenneth J. Carrick, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, do hereby certify that the foregoing printed pages contain a true copy of the printed record, printed under my supervision and filed on the twenty-sixth day of November, 1940, in the following entitled cause:

Cause No. 7368.

In the Matter of Elizabeth Wright and Charles C. Wright, Debtors.

Elizabeth Wright and Charles C. Wright,
Appellants,

vs.

Gusta Logan, *et al.*,
Appellees,

as the same remains upon the files and records of the United States Circuit Court of Appeals for the Seventh Circuit.

In Testimony Whereof I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals for the Seventh Circuit, at the City of Chicago, this 20th day of June, A. D. 1941.

Kenneth J. Carrick,
(Seal) *Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.*

At a regular term of the United States Circuit Court of Appeals for the Seventh Circuit held in the City of Chicago and begun on the third day of October, in the year of our Lord one thousand nine hundred and thirty-nine, and of our Independence the one hundred and sixty-fourth.

In the Matter of Elizabeth Wright and Charles C. Wright, Debtors.

Elizabeth Wright and Charles C. Wright,
Appellants,
vs.
Gusta Logan, Harriett Logan Sawyer and Exia Logan Reese,

Appeal from the District Court of the United States for the Eastern District of Illinois.

7368

And, to-wit: On the twentieth day of June, 1940, there was filed in the office of the Clerk of this Court, an appearance of counsel for appellants, which said appearance is in the words and figures following, to-wit:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright,
Appellants,
vs.
Gusta Logan, Harriet Logan Sawyer, and Exia Logan Reese,
Appellees.

On Appeal from the United States District Court of the Eastern District of Illinois.

District Court Case No. 2414-D.

To the Clerk:

Kindly enter the name of Elmer McClain, Lima, Ohio, as attorney of record for the appellants in the above matter.

This is intended to constitute my appearance as counsel for the appellants pursuant to Rule 11 (4) of the Rules of this court.

Elmer McClain,
Lima, Ohio.

Endorsed: Filed June 20, 1940. Kenneth J. Carrick, Clerk.

And, on the same day, to-wit: On the twentieth day of June, 1940, there was filed in the office of the Clerk of this Court, an appearance of counsel for appellants, which said appearance is in the words and figures following, to-wit:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright, *Appellants,* *vs.* Gusta Logan, Harriet Logan Sawyer, and Exia Logan Reese, *Appellees.*	On Appeal from the United States District Court of the Eastern District of Illinois. District Court Case No. 2414-D.

To the Clerk:

Kindly enter the name of Walter V. Dysert, 908 First National Bank Building, Danville, Illinois, as attorney of record for the appellants in the above matter.

This is intended to constitute my appearance as counsel for the appellants pursuant to Rule 11 (4) of the Rules of this Court.

Walter V. Dysert,
908 First National Bank Building,
Danville, Illinois.

Endorsed: Filed June 20, 1940. Kenneth J. Carrick, Clerk.

And afterwards, to-wit: On the twenty-eighth day of January, 1941, the following further proceedings were had and entered of record, to-wit:

Tuesday, January 28, 1941.

Court met pursuant to adjournment.

Before:

Hon. Evan A. Evans, Circuit Judge.
Hon. William M. Sparks, Circuit Judge.
Hon. Otto Kerner, Circuit Judge.

In the Matter of Elizabeth Wright, *et al.*, Debtors.

Elizabeth Wright, *et al.*, *Appellants*,
vs.
Gusta Logan, *et al.*, *Appellees.*

Appeal from the District Court of the United States for the Eastern District of Illinois.

7368

Now this day come the parties by their counsel, and this cause comes on to be heard on the transcript of the record and the briefs of counsel, and on oral argument by Mr. Elmer McClain, counsel for appellants, and by Mr. Harold F. Lindley, counsel for appellees, and the Court takes this matter under advisement.

And afterwards, to-wit: On the fifteenth day of March, 1941, there was filed in the office of the Clerk of this Court, the opinion of the Court, which said opinion is in the words and figures following, to-wit:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

No. 7368. October Term, 1940, January Session, 1941.

In the Matter of
ELIZABETH WRIGHT and CHARLES C. WRIGHT,
Debtors.

ELIZABETH WRIGHT and CHARLES C. WRIGHT,
Appellants,
vs.
GUSTA LOGAN, HARRIET LOGAN SAWYER and EXIA LOGAN REESE,
Appellees.

Appeal from the District Court of the United States for the Eastern District of Illinois.

March 15, 1941.

Before EVANS, SPARKS and KERNER, *Circuit Judges.*

SPARKS, *Circuit Judge.* Appellants profess to be aggrieved by an order of the District Court, entered in a proceeding under section 75 of the Bankruptcy Act. The order denied their amended petition for adjudication under subsection (s); removed all prohibition theretofore imposed upon appellees from exercising their rights under a deed obtained under foreclosure proceedings; provided that that deed be given full force and effect and that possession of the premises therein described be surrendered by appellants immediately; and dismissed the debtor proceedings.

The parties have been engaged in litigation as to the property here involved since 1932 when the mortgagee (now deceased), instituted a suit for foreclosure. Appellees are his widow and daughters. A certificate of sale issued Feb-

ruary 3, 1933. Appellants did not redeem within the twelve months provided by Illinois statute (Chap. 77, § 18) for redemption by the mortgagor.

On May 3, 1934, the day before the expiration of the three month additional period during which creditors are permitted to redeem properties, appellants filed their petition for composition and extension of their debts under section 74 of the Bankruptcy Act. Confirmation of the proposed extension was denied by the referee whose order was confirmed by the District Court and affirmed by this court on appeal. (*Wright* v. *Logan*, 75 F. 2d 687). After mandate issued, appellants on April 5, 1935, filed their petition, and were granted leave to file under section 75 of the Bankruptcy Act. Thereafter, while the bankruptcy proceeding was pending, they filed suit in a state court seeking to redeem the real estate from the mortgage foreclosure sale on the theory that the mortgagee who then held the certificate of sale had orally agreed to permit redemption at any time, in reliance upon which promise they had expended over $500 in permanent improvements on the property. A decree against them in the trial court was reversed by the Appellate Court which, on January 15, 1937, ruled that they were entitled to redeem, and remanded the cause with directions to the court to ascertain the amount due from appellants to the mortgagee and fix a reasonable time during which the former might pay the amount due and redeem the premises. The court also directed that, upon such payment, the deed theretofore issued by the master on the certificate of sale should be canceled, and the mortgagee should reconvey to appellants the title acquired on the master's certificate. *Wright et al.* v. *Logan*, 288 Ill. App. 481.

Under the provisions of the Illinois statute (Chap. 110, § 212) "No new trial shall be had by reason of the reversal of any judgment, order or decree, unless the mandate shall be filed in the trial court within one year after final determination by the reviewing court." Appellants did not comply with this statutory provision, and have never filed the mandate of the Illinois Appellate Court which was necessary to enable them to avail themselves of the benefit of the decision of that court. The right to obtain the extension to the period of redemption to be fixed by the trial court lapsed upon their failure to follow up the decision of the Appellate Court, as provided by the statute.

In the meantime, after it appeared that appellants were not going to be able to obtain necessary consents to their proposal of composition under section 75, the District Court, on September 30, 1935, entered a rule to show cause why appellants should not either amend their petition to include a prayer for adjudication under subsection (s), or have their petition dismissed. In response, appellants amended their petition to ask again for an opportunity to effect a composition with their creditors. After a reference and rereference of this petition, with a hearing set for March 7, 1936, which was never had (without objection from appellants), nothing further was done in the proceeding until January, 1939, when appellees filed their petition asking for a report of the Conciliator on the proceeding, and that thereafter they be allowed to obtain possession of the real estate, or in the alternative, that the court determine the amount due under the foreclosure decree and fix a reasonable time for appellants to pay that amount, or, upon their failure to do so, they be ordered to surrender possession of the real estate. Upon hearing, March 11, 1939, the court continued the petition for 120 days, directing the debtors to redeem the property within that time for an amount agreed upon by the parties, or complete their rehabilitation within the terms of the Act. The court fixed the time of 120 days because that corresponded to the time it would take to effect a sale if one were necessary, plus the 90 days permitted by the farmer-debtor statute for redemption. Appellants were, however, ordered to pay a reasonable rental for the preceding and ensuing seasons, to be credited upon the total amount of the mortgage indebtedness. The court stated in its order that if the rehabilitation were not completed within the 120 days, it would give full force and effect to the deed then held by appellees.

January 12, 1940, upon a showing that appellants had neither redeemed nor rehabilitated, the court ordered them to surrender possession of the premises on or before March 2, or pay into court the $5,560 for appellees. This extended time was allowed on the promise of appellants that they would voluntarily surrender possession if they were permitted to remain until March 1. However, instead of surrendering possession March 1, on March 2, appellants filed an amended petition seeking adjudication under section 75(s), and further relief under the provisions of that stat-

ute. It was in response to this petition that the court entered the order now appealed from, dismissing the proceedings and directing surrender of possession of the real estate to appellees.

We are in complete accord with the decision of the District Court that he was without right or power to deprive appellees of their rights any longer. Subsection (s) provides that any farmer failing to obtain the acceptance of a majority of his creditors may amend his petition or answer asking to be adjudged a bankrupt. No time is specified within which such application is to be made, but we have construed the statute to provide that a reasonable time is to be allowed to enable the debtor to effect a composition with his creditors, or, failing that, to apply to the court for adjudication in bankruptcy. *In re Price*, 99 F. 2d 691; *In re Pate*, 99 F. 2d 694. See also *Buttars* v. *Utah Corp.*, 116 F. 2d 622. We are convinced that the privileges conferred upon the debtor by this remedial statute impose upon him a corresponding duty to move expeditiously in order to avail himself of its benefits. Certainly it cannot be construed to permit him to allow his proceeding to lie dormant for years, and then, after expressly promising to surrender possession of the premises involved if he does not pay up within a specified time, invoke its benefits. We conclude that appellants who have heretofore had all the benefits to which they could possibly have been entitled under the provisions of section 75(s) without filing formal application for such benefits, are not now entitled to obtain a repetition of those same benefits by filing their petition for adjudication in bankruptcy.

Decree

AFFIRMED.

Endorsed: Filed Mar. 15, 1941. Kenneth J. Carrick, Clerk.

And on the same day, to-wit: On the fifteenth day of March, 1941, the following further proceedings were had and entered of record, to-wit:

Saturday, March 15, 1941.

Court met pursuant to adjournment.

Before:

Hon. Evan A. Evans, Circuit Judge.
Hon. William M. Sparks, Circuit Judge.
Hon. Otto Kerner, Circuit Judge.

In the Matter of Elizabeth Wright, *et al.*, Debtors.

Elizabeth Wright, *et al.*, *Appellants*,

7368 *vs.*

Gusta Logan, *et al.*, *Appellees.*

Appeal from the District Court of the United States for the Eastern District of Illinois.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Illinois, and was argued by counsel.

On consideration whereof, it is ordered, adjudged and decreed by this Court that the order or decree of the said District Court in this cause appealed from be, and the same is hereby, affirmed, with costs.

And afterwards, to-wit: On the thirty-first day of March, 1941, there was filed in the office of the Clerk of this Court, a petition for a rehearing, which said petition for rehearing is not copied here.

And afterwards, to-wit: On the ninth day of April, 1941, there was filed in the office of the Clerk of this Court, an answer to petition for rehearing, which said answer is not copied here.

And afterwards, to-wit: On the twenty-first day of May, 1941, the following further proceedings were had and entered of record, to-wit:

Wednesday, May 21, 1941.

Court met pursuant to adjournment.

Before:

Hon. Evan A. Evans, Circuit Judge.
Hon. William M. Sparks, Circuit Judge.
Hon. Otto Kerner, Circuit Judge.

In the Matter of Elizabeth Wright, *et al.*, Debtors.

Elizabeth Wright, *et al.*, *Appellants*,

7368 *vs.*

Gusta Logan, *et al.*, *Appellees.*

Appeal from the District Court of the United States for the Eastern District of Illinois.

It is ordered by the Court that the petition for a rehearing of this cause be, and the same is hereby, denied.

And afterwards, to-wit: On the twenty-third day of May, 1941, there was filed in the office of the Clerk of this Court, a motion to stay the mandate, which said motion is in the words and figures following, to-wit:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright, *Appellants,* *vs.* Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, *Appellees.*	Case No. 7368.

MOTION TO STAY MANDATE.

The appellants, Elizabeth Wright and Charles C. Wright, move the court for an order staying the issuance of the mandate herein pending the disposition by the Supreme Court of a petition for certiorari.

Elizabeth Wright and
Charles C. Wright,
Elmer McClain,
By Elmer McClain,
Attorney for Appellants.

Lima, Ohio,
May 22, 1941.

PROOF OF SERVICE.

I certify that prior to the filing of the foregoing Motion for order for a stay of the mandate pending disposition by the Supreme Court of a petition for certiorari, I served upon the appellees above named a copy of said document by mailing it, postage paid, to their attorneys of record, Messrs. Paul F. Jones and Harold F. Lindley, 306 Adams Building, Danville, Illinois, and to Mr. John A. Arnold, Boatmen's Bank Building, St. Louis, Missouri.

Elmer McClain,
Elmer McClain,
Attorney for the Appellants.

United States of America,
Northern District of Ohio,
County of Allen. } ss:

Elmer McClain, being first duly sworn, this 22nd day of May, 1941, says that the statements made in the foregoing proof of service are true.

Henry W. Neff,
Notary Public.

(Notary Seal)

Henry W. Neff
Notary Public, Allen County, Ohio.
My Commission Expires Mar. 6, 1942.

Endorsed: Filed May 23, 1941. Kenneth J. Carrick, Clerk.

And afterwards, to-wit: On the twenty-eighth day of May, 1941, the following further proceedings were had and entered of record, to-wit:

Wednesday, May 28, 1941.

Court met pursuant to adjournment.

Before:

Hon. William M. Sparks, Circuit Judge.

In the Matter of Elizabeth Wright, *et al.*, Debtors.

Elizabeth Wright, *et al.*, *Appellants*,
vs.
Gusta Logan, *et al.*, *Appellees.*

Appeal from the District Court of the United States for the Eastern District of Illinois.

7368

On motion of counsel for appellants, it is ordered that the mandate of this Court in this cause be, and it is hereby, stayed pursuant to Rule 25 of the rules of this Court.

And afterwards, to-wit: On the fifth day of June, 1941, there was filed in the office of the Clerk of this Court, a motion to further stay mandate, which said motion is in the words and figures following, to-wit:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright,
Appellants,
vs.
Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese,
Appellees.
} Case No. 7368.

MOTION TO FURTHER STAY MANDATE.

The petition for rehearing was denied May 21, 1941. An order of this court has stayed the mandate under Rule 25 for thirty days which will expire June 20, 1941.

The appellants have instructed their counsel to apply to the Supreme Court for a writ of certiorari. Counsel will be unable to prepare, have printed and file their petition, record and brief for certiorari within said thirty days because of intervening court matters which will wholly occupy his time for several weeks.

Counsel for the appellants therefore requests a further stay of the mandate of this court for forty-five days, that is, until August 4, 1941.

Elmer McClain,
Elmer McClain,
Counsel for the Appellants.

Lima, Ohio, June 3, 1941.

Proof of Service.

I certify that prior to the filing of the foregoing Motion for an Order for a Further Stay of the Mandate pending application for certiorari to the Supreme Court, I served upon the appellees above named a copy of said document by mailing it, postage paid, to their attorneys of record, Messrs. Paul F. Jones, and Harold F. Lindley, 306 Adams Building, Danville, Illinois, and to Mr. John A. Arnold, Boatman's Bank Building, St. Louis, Missouri.

Elmer McClain,
Elmer McClain,
Attorney for the appellants.

United States of America,
Northern District of Ohio,
County of Allen. } ss.

Elmer McClain, being first duly sworn, this 4th day of June, 1941, says that the statements made in the foregoing proof of service are true.

Henry W. Neff,
Notary Public.

(Notary Seal)

Henry W. Neff
Notary Public, Allen County, Ohio.
My Commission Expires Mar. 6, 1942.

Endorsed: Filed June 5, 1941. Kenneth J. Carrick, Clerk.

And afterwards, to-wit: On the ninth day of June, 1941, there was filed in the office of the Clerk of this Court, an answer to further stay of mandate, which said answer is in words and figures following, to-wit:

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright,
Appellants,
vs.
Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese,
Appellees.
} Case No. 7368.

ANSWER TO FURTHER STAY MANDATE.

Now come Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese, by their attorneys, and file this, their answer to the motion to further stay mandate, filed herein on to-wit: June 4, 1941, and in support of said motion, show unto the court as follows:

1. That this honorable court handed down its decision in this cause on March 15, 1941.

2. That this cause has been in litigation since 1932 and involves title to real estate.

3. That a petition for re-hearing was filed by appellants on March 31, 1941, which was denied on May 21, 1941.

4. That appellants applied for and obtained a stay of mandate until June 20, 1941.

5. That application is now made by the appellants for a further stay of mandate to August 4, 1941.

6. That no facts are set forth to further stay mandate showing due diligence or showing any good cause for the stay prayed for.

7. That the motion for the further stay contains only conclusions of counsel.

8. That the original stay of 30 days is ample time within which petition for certiorari might be filed with the Supreme Court and due to the length of time this cause has been in litigation and the fact that real estate is involved, an additional stay as requested would be unreasonable.

Wherefore, your appellees pray that the motion to further stay mandate be denied.

Dated at Danville, Illinois, June 6, A. D. 1941.

Paul F. Jones,
Harold F. Lindley,
John A. Arnold,
Attorneys for Appellees.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

Elizabeth Wright and Charles C. Wright,
Appellants,
vs.
Gusta Logan, Harriet Logan Sawyer and Exia Logan Reese,
Appellees.
} Case No. 7368.

To: Elizabeth Wright, Charles C. Wright, and Elmer McClain, their attorney:

NOTICE.

Please take notice that the undersigned attorneys for appellees will on the 7th day of June, A. D. 1941, file in the United States Circuit Court of Appeals for the Seventh Circuit of Chicago, Illinois, an answer to the motion to further stay mandate in the above entitled cause, a copy of which answer is hereto attached.

Dated this 6th day of June, A. D. 1941.

Paul F. Jones,
Harold F. Lindley,
John A. Arnold,
Attorneys for Appellees.

Proof of Service.

United States of America
Eastern District of Illinois
County of Vermilion
State of Illinois
} ss.

Harold F. Lindley, being first duly sworn, deposes and says that on the 6th day of June, A. D. 1941, prior to the filing of the foregoing answer and notice, he served upon the appellants above named, a copy of said notice and answer by causing it to be mailed, postage prepaid to the attorney of record, Mr. Elmer McClain, Lima, Ohio, the said documents being enclosed in a securely sealed envelope and

properly addressed and deposited in the United States mails in Danville, Illinois.

Harold F. Lindley,
One of the Attorneys for Appellees.

Subscribed and sworn to before me this 6th day of June, A. D. 1941.

Barbara Swallow,
(Seal) *Notary Public.*

Endorsed: Filed June 9, 1941. Kenneth J. Carrick, Clerk.

And afterwards, to-wit: On the tenth day of June, 1941, the following further proceedings were had and entered of record, to-wit:

Tuesday, June 10, 1941.

Court met pursuant to adjournment.

Before:

Hon. William M. Sparks, Circuit Judge.

In the Matter of Elizabeth Wright, *et al.*, Debtors.

Elizabeth Wright, *et al.*, *Appellants*,
vs.
Gusta Logan, *et al.*, *Appellees.*

7368

Appeal from the District Court of the United States for the Eastern District of Illinois.

On motion of counsel for appellants, it is ordered that the stay of the mandate of this Court in this cause be, and it is hereby, extended to July 1, 1941.

UNITED STATES CIRCUIT COURT OF APPEALS

For the Seventh Circuit.

I, Kenneth J. Carrick, Clerk of the United States Circuit Court of Appeals for the Seventh Circuit, do hereby certify that the foregoing printed pages contain a true copy of the proceedings had and papers filed (excepting briefs of counsel, motion and order relative to time for filing briefs, motion and order relative to supplemental designation of record and stipulations relative to printing record) in the following entitled cause:

Cause No. 7368.

In the Matter of Elizabeth Wright and Charles C. Wright, Debtors.

Elizabeth Wright and Charles C. Wright,
Appellants,

vs.

Gusta Logan, *et al.*,
Appellees,

as the same remains upon the files and records of the United States Circuit Court of Appeals for the Seventh Circuit.

In Testimony Whereof I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals for the Seventh Circuit, at the City of Chicago, this 20th day of June, A. D. 1941.

Kenneth J. Carrick,
(Seal) *Clerk of the United States Circuit Court of Appeals for the Seventh Circuit.*

SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed October 13, 1941

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

(7562)